

## EXHIBIT “A”

PAMELA JOHNSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION

3 PAMELA JOHNSON, )  
4 Plaintiff, )  
5 VS. ) CIVIL ACTION  
6 L'ORÉAL USA S/D, INC.; ) NO.: 7:19-CV-00155-DC  
7 GARNIER LLC; AND WALGREEN )  
CO., )  
8 Defendants. )

11 ORAL DEPOSITION OF  
12 PAMELA JOHNSON  
13 FEBRUARY 14, 2020  
14 VOLUME 1 OF 1

16 ORAL DEPOSITION OF PAMELA JOHNSON, produced as a  
17 witness at the instance of the DEFENDANTS, and duly  
18 sworn, was taken in the above-styled and numbered cause  
19 on February 14, 2020, from 10:48 a.m. to 12:45 p.m.,  
20 before Jordana Hodges, CSR in and for the State of  
21 Texas, reported by machine shorthand, at the offices of  
22 Permian Court Reporters, 509 N. Grant Avenue, Odessa,  
23 Texas, pursuant to the Federal Rules of Civil Procedure  
24 and the provisions stated on the record or attached  
25 hereto.

PAMELA JOHNSON

21

1 taking care of our family. And I wasn't going to put  
2 him in no nursing home. That's -- that's a no-no. I've  
3 been there, worked that, did that.

4 So I took care of my husband because he was  
5 very ill. He went and had surgery to help him to not go  
6 blind, but he did. And he couldn't cook for his self,  
7 dress his self, nothing.

8 Q. I understand.

9 A. He was so sick.

10 Q. I understand.

11 A. And really, right now, I'm just trying to deal  
12 with my husband being gone. I can't because we've been  
13 together so long. He was my everything, and I'm trying  
14 to get past that plus past this --

15 Q. I understand.

16 A. -- and go on with my life.

17 Q. It sounds like you guys had an amazing marriage  
18 for 45 years?

19 A. We did. We was married very young, and we've  
20 been together ever since. We raised our kids up. I'm  
21 still raising my grandchildren with my kids because you  
22 don't stop being a mother no matter how old they get.

23 Q. So you started training and learning -- sorry,  
24 if you need to take a break at any point, please let me  
25 know.

PAMELA JOHNSON

22

1 A. No, I'm good.

2 Q. You started training with medical billing after  
3 he passed away?

4 A. Yes.

5 Q. So after August of 2019?

6 A. Yes.

7 Q. And how long does that program take?

8 A. It goes with me.

9 Q. Okay.

10 A. It's not no -- I don't have to be on no time  
11 limit. It's just whenever I get done.

12 Q. Do you go somewhere for that class --

13 A. No.

14 Q. -- or is it online?

15 A. It's online.

16 Q. Okay. How much do you lack, do you think?

17 A. Quite a bit.

18 Q. Quite a bit?

19 A. Yes.

20 Q. Okay. Did you have any idea -- is there an  
21 hourly requirement to finish?

22 A. No, sir. No, sir, I just -- whenever I'm  
23 not -- I'm through cleaning my house and whatever I'm  
24 doing, I just sit down and start doing my homework. And  
25 I tell my kids, Go ahead and do the rest and I'm trying

PAMELA JOHNSON

Q. Okay. Did you do anything during that week you were in Lubbock to try to treat or soothe what you were experiencing?

4 A. I took some Tylenol and Ibuprofen.

5 Q. Okay. Do you remember taking any Benadryl?

6 A. No.

7 Q. You didn't take Benadryl?

8 A. No.

9           Q. Okay. I think what we've got is some pictures  
10          I want to briefly ask you about that have been produced  
11          by your attorney in discovery.

12 | (Exhibit No. 3 marked.)

13 Q. (BY MR. HUTTON) And I will mark this as  
14 deposition Exhibit No. 3. I'll try not to cover up any  
15 words. Okay. So I am handing you a packet of pictures  
16 that I've marked as deposition Exhibit No. 3. And these  
17 have what we call a Bates label at the bottom, just  
18 numbers, that say plaintiff, you can see that first page  
19 says 0145.

20 A. Yes, sir.

21 Q. And I think the last page says plaintiff 0163.

22 A. Yes, sir.

Q. Is that what you've got?

24 A. Yes, sir.

25 Q. Good. And it has a date in the lower left-hand

PAMELA JOHNSON

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1 had my hand like this and my hair -- my other hand on  
2 the other side (demonstrating).

3 Q. Did you have different color fingernail polish  
4 on --

5 A. I don't think so.

6 Q. -- different hands? It looks like one is kind  
7 of a black and one is a red?

8 A. No, sir, it's all red. It's not black.

9 Q. Oh, okay. It's just the way the light looks?

10 A. Yes, sir.

11 Q. Well, here -- well, actually, here we go. On  
12 page --

13 A. Oh, yeah, she -- she did. She colored them  
14 different.

15 Q. She being your daughter?

16 A. My daughter.

17 Q. I got you. Okay. Now, it looks like -- it  
18 looks like there's a light source behind you or  
19 something. Is that a window or a lamp?

20 A. That's the front door.

21 Q. Okay. You just opened the door to take the  
22 pictures?

23 A. Yes, sir.

24 Q. To get better light?

25 A. Yes, sir.

## EXHIBIT “B”

<https://www.garnierusa.com/about-our-brands/hair-color/nutrisse-ultra-color>

The Garnier website header features the brand logo 'GARNIER' in a green oval. To the right are links for 'About Garnier', 'Beauty Services & Tools', 'Garnier Offers', a search icon, a user profile icon, and language selection ('EN'). Below the main menu are secondary navigation tabs: 'SHOP PRODUCTS', 'ABOUT OUR BRANDS', 'HAIR CARE & STYLE', 'HAIR COLOR', 'SKIN CARE', 'TIPS & HOW-TOS', and 'SERVICES & TOOLS'.

## Nutrisse Ultra Color

8 Weeks of Vibrant Color. For All Hair Types

Nourished hair. Bolder color.

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### Explore Nutrisse Ultra Color

Discover the #1 Nourishing Color Creme\*. Nutrisse Ultra Color is formulated with intensity-enhancing color boost technology, and a blend of triple fruit oils--avocado, olive, and shea--to deliver bold, boosted permanent hair color that nourishes while you color.

\*Based on Nielsen xAOC L52 weeks 2019 Unit Sales

### Nutrisse. Nourished Hair. Better Color

Formula infused with avocado, olive, and shea oils.

Available in so many radiant shades that deliver 100% gray coverage, discover the difference nourished hair makes.

**NUTRISSE® NUTRISSE<sup>®</sup> ULTRA COLOR**

**NUTRISSE<sup>®</sup> ULTRA COVERAGE** **NUTRISSE<sup>®</sup> COLOR REVIVER**

#### *The Original Nourishing Color Cream*

3x more moisturized hair. 2x stronger hair. The #1 Nourishing Color Cream that nourishes while it colors. 100% gray coverage.

#### *Nourished Hair. Bolder Color.*

Formulated with intensity-enhancing color boost technology for 8 weeks of vibrant color. Great for all hair types including darker bases.

#### *Nourished Hair. Ultra Coverage.*

Formulated with Coverplus (trademarked) technology to target and erase ultra-stubborn grays, delivering rich, radiant, permanent color.

#### *For Day 1 color in 5 minutes.*

Our Non-permanent Masks with rich depositing color pigments refresh tired, overexposed hair color in minutes.



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## Nourished Hair. Bolder Color

Take your color to the next level with Colorboost™ Technology so even the darkest brunettes can achieve high impact color in just one step. Up to 8 weeks of vibrant color.



## ULTRA SHADES

[TRY IT ON](#)

### GARNIER NUTRISSE ULTRA COLOR

TL1 - Teal Forest

Deep Intense Teal, Even for Dark  
Bases

\$7.99 MSRP

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### GARNIER NUTRISSE ULTRA COLOR

RA1 - Red Autumn

Deep Intense Auburn, Even for  
Dark Bases.

\$7.99 MSRP

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### GARNIER NUTRISSE ULTRA COLOR

IN2 - Intense Pure Indigo

Bold, Ultra Reflective Indigo  
Even for Dark Bases

\$7.99 MSRP

[see all reviews](#)[QUICK VIEW](#)

## Earth Inspired Tones

Ultra Color shades harness the power of nature and technology to help you look good and feel better every day. Naturally inspired & derived ingredients were blended into breakthrough formulas for all hair textures.

**Plaintiff Exhibit B (Page 2 of 9)**



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## Dare to Be Blonde

Turn basic blonde into bombshell with these Nutrisse Ultra Color blonde essentials. Live your best blonde life. Anti-brass shine with new treatment.

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## New Colors For a New You

Whats your fave color? Trick question, you look great in all of them. Paint the town red, blue, or blonde.

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## Hair Color Virtual Try-On

**I consent** By using "Try It On," I understand that Garnier USA may process my image. To learn about your choices, visit the [Privacy Policy](#)

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↑ UPLOAD PHOTO



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## NUTRISSE ULTRA COLOR

The image displays a grid of hair color options for Garnier Nutrisse Ultra Color. At the top, there is a row of six color swatches labeled: TREND, PLATINUM, BLACK, BROWN, RED, and BLONDE. Below this row are three columns of images. The first column shows two women with dark hair styled in braids. The second column shows a woman with long blonde hair in a fishtail braid. The third column shows a woman with long black hair in a ponytail. Each column has a title and a "SEE ALL" button with a plus sign. The titles are: TREND SHADES, PLATINUM SHADES, and BLACK HAIR COLOR. The bottom row shows a woman with brown hair and a row of three brown hair swatches labeled BROWN HAIR COLOR.

TREND PLATINUM BLACK BROWN RED BLONDE

TREND SHADES SEE ALL +

PLATINUM SHADES SEE ALL +

BLACK HAIR COLOR SEE ALL +

BROWN HAIR COLOR

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**SEE ALL +**

**RED HAIR COLOR**

**SEE ALL +**

**BLONDE HAIR COLOR**

**SEE ALL +**

## The Virtual Shade Selector

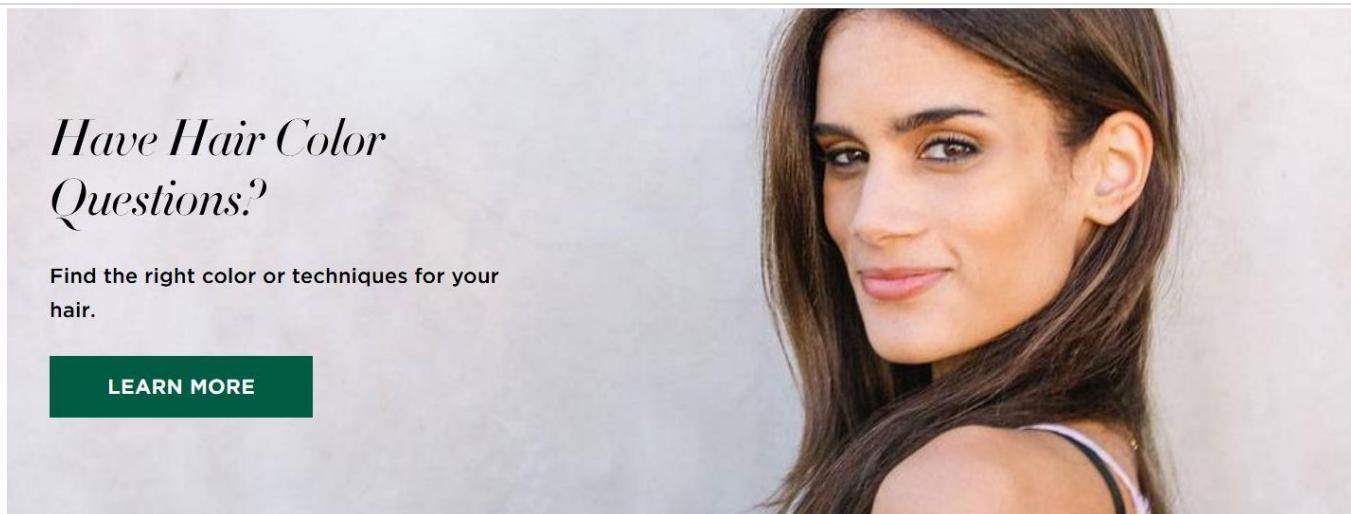
Take our 1-minute hair color quiz to find and virtually try on your personalized Garnier shades.

[FIND YOUR SHADE](#)


FIND YOUR  
**SHADE & TRY  
IT ON!**

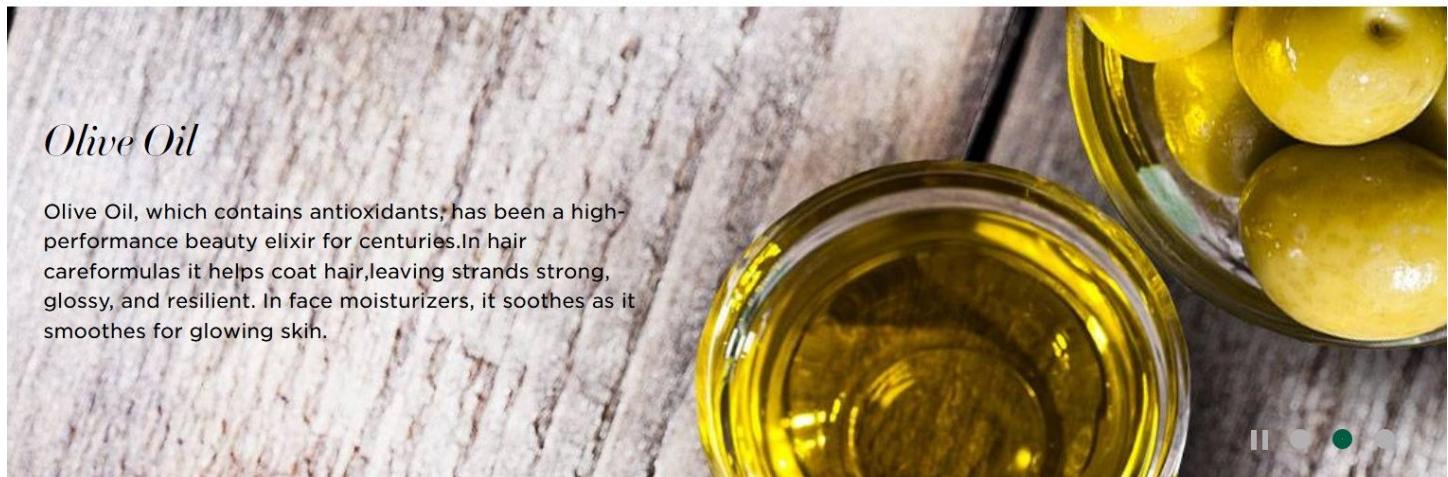

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## Have Hair Color Questions?

Find the right color or techniques for your hair.

[LEARN MORE](#)

## Olive Oil

Olive Oil, which contains antioxidants, has been a high-performance beauty elixir for centuries. In hair care formulas it helps coat hair, leaving strands strong, glossy, and resilient. In face moisturizers, it soothes as it smoothes for glowing skin.

### How to Apply

Here are the steps if you have never colored your hair, your hair is colored but you want to go darker, you haven't colored in 3+ months, you just want to color your root regrowth or if you color every 4-6 weeks with the same shade or similar.

#### Step 1

Mix Colorant Tube into Developer Bottle



**Plaintiff Exhibit B (Page 6 of 9)**


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## How to Apply

Here are the steps if you have never colored your hair, your hair is colored but you want to go darker, you haven't colored in 3+ months, you just want to color your root regrowth or if you color every 4-6 weeks with the same shade or similar.

### Step 1

Mix Colorant Tube into Developer Bottle



### Step 2

#### For full head application:

Start applying at your roots, separating hair section by section.

Then, apply through lengths and ends ensuring hair is completely saturated.

#### For root touch-up:

Use bottle to separate hair section by section and apply to your new growth, starting at any resistant gray areas.

### Step 3

#### For full head application:

Leave on roots for 20 minutes.

Apply remaining mixture throughout the lengths and ends.

#### For root touch-up:

Leave on roots for 25 minutes (30 minutes if your hair has resistant grays).




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### Step 3

**For full head application:**

Leave on roots for 20 minutes.

Apply remaining mixture throughout the lengths and ends.

**For root touch-up:**

Leave on roots for 25 minutes (30 minutes if your hair has resistant grays).



### Step 4

Before rinsing, massage your hair. Rinse thoroughly until the water runs clear.

Apply conditioner and leave on for 2-5 mins. before rinsing.

You can use remaining conditioner weekly until next coloring.

Get a Free Hair Color Consultation.

Call: [1-800-442-7643](#)

or

Chat live now



CHAT LIVE WITH AN EXPERT MON-FRI UNTIL 9PM ET

### FEATURED ARTICLES & VIDEOS

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### Step 4

Before rinsing, massage your hair. Rinse thoroughly until the water runs clear.

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You can use remaining conditioner weekly until next coloring.

Get a Free Hair Color Consultation.

Call: [Chat live now](#)

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\*This sign up is for US consumers. By signing up, I agree to receive emails from Garnier and other L'Oréal brands and programs. Click to read our Privacy Policy & Terms and Conditions. Non-US consumers should visit the country website serving their region

## EXHIBIT “C”

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

PAMELA JOHNSON, §  
§  
Plaintiff, §  
§  
v. § CASE NO. MO:19-CV-00155-DC  
§  
L'ORÉAL USA S/D, INC.; §  
GARNIER LLC; and WALGREEN CO., §  
§  
Defendants. §

**DEFENDANTS L'ORÉAL USA S/D, INC., GARNIER LLC'S  
RESPONSES TO PLAINTIFF'S INTERROGATORIES**

TO: Plaintiff Pamela Johnson, by and through her attorney of record, Rachel Ambler, AMBLER LAW, PLLC, 511 N. Lincoln Avenue, Odessa, Texas 79761.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendants L'Oréal USA S/D, Inc. ("L'Oréal USA S/D") and Garnier LLC ("Garnier") (collectively, "Defendants") hereby respond to Plaintiff Pamela Johnson's Interrogatories.

Respectfully submitted,

**GORDON REES SCULLY MANSUKHANI, LLP**

By: /s/ J. Andrew Hutton

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**COUNSEL FOR DEFENDANTS L'ORÉAL USA S/D,  
INC., GARNIER LLC, AND WALGREEN CO.**

**CERTIFICATE OF SERVICE**

I hereby certify that, on this the 18th day of August 2020, the following counsel of record were electronically served with a copy of the foregoing document via email as authorized by Federal Rule of Civil Procedure 5(b)(2)(E):

Rachel Ambler  
AMBLER LAW, PLLC  
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Attorney for Plaintiff Pamela Johnson

/s/ J. Andrew Hutton  
J. Andrew Hutton

**GENERAL OBJECTIONS AND OBJECTIONS TO  
PLAINTIFF'S "INSTRUCTIONS & DEFINITIONS"**

1. Defendants object to Plaintiff's preliminary "Instructions & Definitions" to the extent those instructions and definitions rely on the Texas Rules of Civil Procedure as a basis for their authority. *See* Plaintiff's Requests for Production at pp. 3-4 (citing Texas Rules of Civil Procedure). Because this matter is pending in the U.S. District Court for the Western District of Texas, the Federal Rules of Civil Procedure govern Plaintiff's discovery requests and Defendants' responses. Defendants object to the extent Plaintiff's instructions and discovery requests exceed or differ from what is permitted by the Federal Rules.
2. Many of Plaintiff's requests for documents and information is not "proportional to the needs of the case" as required by Federal Rule of Civil Procedure 26(b)(1). This is a product liability lawsuit involving a Plaintiff who allegedly sustained an allergic skin reaction to a hair dye product she purchased at a retail store in July 2017. Plaintiff claims that marketing and design defects in the Product caused her injuries, and that Defendants should have provided different warnings and/or used a "safer alternative design" for its Product. The amount-in-controversy for Plaintiff's claims is relatively small, including less than \$6,000 in incurred medical expenses. The issues in dispute involve the adequacy of the warnings provided with, and the safety of, the Product Plaintiff claims to have purchased. The totality of Plaintiff's discovery requests, however, are not reasonably circumscribed or proportional to her lawsuit, and instead consistently seeks vast and voluminous quantities information and documents about the Product from a time period spanning decades. Those requests have little or no value to this lawsuit involving alleged discrete injuries from use of a single product purchased in July 2017. *See, e.g., Maes v. Lowes Home Ctrs. LLC*, No. EP-17-CV-00107-FM, 2018 U.S. Dist. LEXIS 127147, at \*17-\*19 (W.D. Tex. Feb. 9, 2018) (explaining discovery requests for years' worth of information were disproportionate where injury involved a single incident where item fell off a store shelf and struck plaintiff). For instance, Plaintiff testified at deposition that she did not read or follow the warnings and instructions that accompanied the Product she purchased, and that she did not rely on any marketing or advertising when she bought the Product. Yet Plaintiff's requests repeatedly seek documents and information regarding the Product from throughout the United States dating from the time of "commercial launch to the present day." The likely benefit of that discovery is substantially outweighed by the burden and expense of identifying and producing the requested documentation and information, which involves decades of product development, labeling, formulations, marketing information, and other materials created and stored by different personnel across multiple facilities that have no obvious relationship to the discrete facts or alleged injuries in this case.
3. Defendants object to the definition of "Plaintiff" to include "his [sic] agents, representatives, successors and assigns, and all other persons acting on his [sic] behalf," as overbroad, vague, and unduly burdensome. Defendants will respond to Plaintiff's discovery requests as though "Plaintiff" refers to Plaintiff Pamela Johnson.
4. Defendants object to the definition of "Defendant," "You," "Your," and "Walgreen" as including both the named defendants "and subject[s] of this Lawsuit," which are overbroad and vague. Defendants will respond to Plaintiff's discovery requests as though "Defendants" and "Walgreen" refer to the business entities named as defendants in the Lawsuit.

5. Defendants object to the definition of “Document” and “Documents” as overbroad, vague, and unduly burdensome to the extent it exceeds the definition and scope set forth in Federal Rule of Civil Procedure 34(a) and Local Rule CV-26(b)(2). Furthermore, by definition, the term compels disclosure of information specifically exempted from discovery by the work product doctrine, the attorney-client privilege, the investigative privilege, trade secret privilege, or any other privilege designed to protect confidential and proprietary information from disclosure.

6. Defendants object to the definition of “Person” as overbroad, vague, and unduly burdensome to the extent it exceeds the definition set forth in Local Rule CV-26(b)(6).

7. Defendants object to the definition of “Possession” as overbroad, vague, and unduly burdensome to the extent it exceeds the scope authorized by Federal Rule of Civil Procedure 34(a).

8. Defendants object to the definition of “Concerning” as overbroad, vague, and unduly burdensome to the extent it exceeds the definition set forth in Local Rule CV-26(b)(7).

9. Defendants object to the definition of “Communication” as overbroad, vague, and unduly burdensome to the extent it exceeds the definition set forth in Local Rule CV-26(b)(1).

10. Defendants object to the interrogatories to the extent they seek information specifically exempted from discovery by the privileges afforded by law and by the Federal Rules, including the work product doctrine, the attorney-client privilege, the investigative privilege, trade secret privilege, or any other privilege designed to protect confidential and proprietary information from disclosure.

11. Defendants’ responses are made without in any way waiving: (1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay, for any other proper ground, to any information, or to the use of any information or document produced pursuant hereto for any purpose, in whole or in part, in any subsequent stage or proceeding in its action or any other action; and (2) the right to object on any and all grounds, at any time, to any other discovery procedure involving or relating to the subject matter of these requests for production.

12. The presence of an objection does not mean that Defendants possess non-privileged documents or information responsive to a request. When Defendants respond to any individual Request that the requested documents will be produced, or words to that effect, such response means that Defendants will produce only non-privileged responsive documents in their possession, custody, or control, if any, subject to the limitations imposed by Defendants’ objections.

13. The following responses are submitted by Defendants. Defendants have not yet concluded their investigation of the matters which are the subject of this lawsuit, but they have made a good faith and diligent effort to obtain the information requested. Accordingly, the responses to the interrogatories are made without prejudice to Defendants’ right to supplement their responses.

14. Each answer and/or response is made subject to the foregoing objections, and all answers and responses are intended to exclude any and all privileged documents and information.

## **SPECIFIC OBJECTIONS AND RESPONSES**

Subject to the foregoing General Objections, which are incorporated by reference as if set forth fully in each and every responses, Defendants also specifically respond and object to the interrogatories as follows:

**INTERROGATORY NO. 1:** Please state the full name, address, telephone number, age, employer, occupation, and job title of the person answering these interrogatories.

**OBJECTION:** Defendants object to this Interrogatory's request for information regarding the residence address, telephone number, and age of persons providing information for these interrogatory responses as overbroad, and as seeking information that is immaterial to any issue in this civil action insofar as it would require the production of irrelevant and confidential personal information that is unlikely to lead to the discovery of admissible evidence. Furthermore, this Interrogatory may call for the disclosure of information protected by the attorney-client and attorney work product privileges.

**RESPONSE:** Subject to and without waiving the foregoing objections, the following provided information to assist in answering these Interrogatories: Alex A. Perez, Ph.D., Director, L'Oréal USA Research & Innovation, Product Safety Evaluation-Americas; and Erin DeVincenzo, Associate Vice President, Consumer Care Center. Such persons may be contacted through Defendants' counsel.

**INTERROGATORY NO. 2:** Since the Hair Dye was commercially launched to the Present, please identify by name, age, current address, telephone number and email address, each person who lead and was involved in:

- a. Research and Development of the Hair Dye;
- b. Formulation of the Hair Dye;
- c. Ingredient Science (*i.e.* scientists, biologists, physicists) of the Hair Dye;
- d. Marketing of the Hair Dye;
- e. Labeling of the Hair Dye;
- f. Package Insert of the Hair Dye;

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases "commercially launched," "Research and Development," "Formulation," "Ingredient Science," "Marketing," "Labeling," "Package Insert," and "each person who lead" and "each person who ... was involved," all of which are left undefined. Defendants further object to this Interrogatory's request for information regarding the residence address, telephone number, email address, and age of persons who "lead" or was "involved in" the listed areas as overbroad, unduly burdensome, and as seeking information that is immaterial to any issue in this civil action insofar as it would require the production of irrelevant and confidential personal information that is unlikely to lead to the discovery of admissible evidence. Defendants further object to this

Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it seeks identification of any person “who lead and was involved in” the listed areas related to the Product “since the Hair Dye was commercially launched to the Present,” which potentially extends back for a period of decades, involve different Product iterations, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding the identity of any person “who lead and was involved in” the listed areas over a period of decades as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants refer Plaintiff to their response to Interrogatory number 1.

**INTERROGATORY NO. 3:** Please identify each scientific/peer-reviewed article or publication you relied on in creating your “safety warnings” located on the Package Insert (located inside the product’s box/container) for the hair product you have marketed, distributed, promoted, and/or sold within the United States for the Hair Dye, from the time the product(s) were commercially launched to the present day.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “each scientific … article or publication,” “each … peer-reviewed article or publication,” “relied on,” “in creating your ‘safety warnings’,” and “commercially launched,” all of which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it apparently seeks identification of all articles and publications that in any way support any of the Product’s warnings “from the time the product(s) were commercially launched to the present day,” which potentially extends back for a period of decades, involve different Product iterations and warning conditions, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding “each … article or publication” related to any of the Product’s warnings over a period of decades as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants refer Plaintiff to their responses to Plaintiff’s Requests for Production.

**INTERROGATORY NO. 4:** Please identify each scientific/peer-reviewed article or publication you relied on in creating your “patch test” instructions located on the Package Insert (located inside the product’s box/container) for the hair product you have marketed, distributed, promoted, and/or

sold within the United States for the Hair Dye, from the time the product(s) were commercially launched to the present day.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “each scientific … article or publication,” “each … peer-reviewed article or publication,” “relied on,” and “in creating your ‘patch test’ instructions,” and “commercially launched,” all of which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it apparently seeks identification of all articles and publications that in any way support the Product’s patch test instructions “from the time the product(s) were commercially launched to the present day,” which potentially extends back for a period of decades, involve different Product iterations, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding “each … article or publication” related to the Product’s patch test instructions over a period of decades as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants refer Plaintiff to their responses to Plaintiff’s Requests for Production.

**INTERROGATORY NO. 5:** Please identify each scientific/peer-reviewed article or publication you relied on in creating your “application” instructions located on the Package Insert (located inside the product’s box/container) for the hair product you have marketed, distributed, promoted, and/or sold within the United States for the Hair Dye, from the time the product(s) were commercially launched to the present day.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “each scientific … article or publication,” “each … peer-reviewed article or publication,” “relied on,” “in creating your ‘application’ instructions,” and “commercially launched,” all of which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it apparently seeks identification of all articles and publications that in any way support the Product’s application instructions “from the time the product(s) were commercially launched to the present day,” which potentially extends back for a period of decades, involves different Product iterations, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding “each … article or publication” related to the Product’s application instructions over a period of decades as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants refer Plaintiff to their responses to Plaintiff's Requests for Production.

**INTERROGATORY NO. 6:** Please state the number of consumer complaints you have received for the hair product you have marketed, distributed, promoted, and/or sold within the United States under the branding "L'Oréal Garnier Nutrisse Ultra Color BL21, "Blue Black," hair dyeing kit, from the time the product(s) were commercially launched to the present day.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases "consumer complaints," "received," and "commercially launched," all of which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it apparently seeks information regarding all consumer complaints "from the time the product(s) were commercially launched to the present day," which potentially extends back for a period of decades, involves different Product iterations, involves all manner of unrelated consumer complaints, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding all "consumer complaints ... received" over a period of decades as not "proportional to the needs of the case" under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants refer Plaintiff to their responses to Plaintiff's Requests for Production.

**INTERROGATORY NO. 7:** Do you contend that ordinary/everyday consumers, including the Plaintiffs, should know and/or recognize the potential side effects of the ingredients/chemicals found in the hair product you have marketed, distributed, promoted, and/or sold within the United States under the branding "Amla Legend Rejuvenating Ritual Relaxer Kit?" If your answer is "yes", please state with specificity each and every fact upon which your base your contention.

**OBJECTION:** Defendants object to this Interrogatory to the extent it involves an unrelated product that Plaintiff does not claim to have used in this case. Defendants further object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases "ordinary/everyday consumers," "know," "recognize," "potential side effects," and "ingredients/chemicals," all of which are left undefined and unspecified. Defendants further object to this Interrogatory on the ground that Plaintiff fails to specify the "potential side effects" to which her query refers. Defendants reserve the right to respond to supplement its response to this Interrogatory pending further clarification from Plaintiff.

**RESPONSE:** Subject to and without waiving the foregoing objections, and depending on the meaning of the undefined terms, Defendants respond that the Product that Plaintiff claims to have purchased in this case is reasonably safe when used in accordance with its warnings, instructions, and labeling.

**INTERROGATORY NO. 8:** Please state the annual net profits realized for the hair product you have marketed, distributed, promoted, and/or sold within the United States under the branding “L’Oréal Garnier Nutrisse Ultra Color BL21, “Blue Black,” hair dyeing kit, from the time the product(s) were commercially launched to the present day.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the phrase “annual net profits realized,” and “commercially launched,” which are left undefined. Defendants further object because the Interrogatory does not distinguish between net wholesale profits and net retail profits, and further fails to identify which party it seeks information about. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it apparently seeks information regarding “annual net profits realized” for the Product “from the time the product(s) were commercially launched to the present day,” which extends back for a period of decades, involves different Product iterations, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding “net profits realized” over a period of decades as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants reserve the right to supplement this response upon further clarification from Plaintiff.

**INTERROGATORY NO. 9:** Please describe in detail each and every item you have utilized to market, distribute, promote, and/or sell the “L’Oréal Garnier Nutrisse Ultra Color BL21, “Blue Black,” hair dyeing kit, from the time the product(s) were commercially launched to the present day (point of sale material, casa rack/price signs, decals, stickers, flyers, digital media, etc.).

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “item,” “utilized,” “market,” “distribute,” “promote,” “sell,” and “commercially launched,” all of which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it apparently seeks identification of any and all marketing or promotional materials “from the time the product(s) were commercially launched to the present day,” which extends back for a period of decades, involves materials in unrelated markets, involves materials Plaintiff testified she never saw or relied on, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding “each and every item” that was “utilized” for marketing or promotional purposes over a period of decades as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**INTERROGATORY NO. 10:** Do you contend that your self-administered “strand test” instructions contained in the Package Insert (located inside the product’s box/container) for the hair product you have marketed, distributed, promoted, and/or sold within the United States under the branding “L’Oréal Garnier Nutrisse Ultra Color BL21, “Blue Black,” hair dyeing kit, has been scientifically validated as effective in protecting the user from hair loss, hair breakage, and/or scalp injury? If your answer is “yes”, please state with specificity each and every fact upon which your base your contention.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “scientifically validated,” “effective,” “hair breakage,” and “scalp injury,” all of which are left undefined.

**RESPONSE:** Subject to and without waiving the foregoing objections, and depending on the meaning of the undefined terms, Defendants respond that the Product is reasonably safe when used in accordance with its warnings, instructions, and labeling. The warnings, instructions, and labeling are designed to protect users from hair loss, hair breakage, and/or scalp injuries caused by misuse. Other factors, including but not limited to the consumer following the Product’s warnings, instructions, and labeling, are scientifically validated as effective in protecting the user from injury.

**INTERROGATORY NO. 11:** In your “Skin Allergy” instructions contained in the Package Insert, describe in detail what equates to:

- a) “a dab” (as in “mis a dab of Nourishing Color Creme”)
- b) “few drops” (as is “a few drops of the Nourishing Creme Developer”)

**RESPONSE:** Subject to and without waiving the foregoing General Objections, the Merriam-Webster definition of the term “dab” is “a small amount.” The Merriam-Webster definition of “few” is “consisting of or amounting to only a small number,” and the definition of “drop[s]” is “the quantity of fluid that falls in one spherical mass.” In the context of the Product’s package insert, users are instructed that “the ratio should be 1 part Color Creme to 1 1/2 parts Developer.”

**INTERROGATORY NO. 12:** Describe your relation to each of the other named Defendants.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the word “relation,” which is left undefined. Defendants further object to this Interrogatory inasmuch as it does not specify a specific time period that bounds the query or regarding the scope or type of information sought.

**RESPONSE:** Subject to and without waiving the foregoing objections, and subject to clarification by Plaintiff regarding the meaning of the word “relation,” Defendants respond that Defendant L’Oreal USA S/D, Inc. is a wholly-owned subsidiary of L’Oreal USA, Inc. Defendant Garnier LLC is a New York limited liability company whose sole member is L’Oreal USA, Inc. To Defendants’ knowledge, Defendant Walgreen Co. is a pharmacy company and retailer of various consumer products, including according to Plaintiff’s deposition testimony the Product at issue in her lawsuit.

**INTERROGATORY NO. 13:** For each notice and/or claim of any other claims of physical injury resulting from the use of your “L’Oréal Garnier Nutrisse” hair dyeing kit, from the time the product(s) were commercially launched to the present day, including, but not limited to notice you received through forms like that attached here as **Exhibit A**, state:

- a) the date of the alleged injury;
- b) the date the notice and/or claim was received;
- c) the name and address of the person(s) providing notice and/or making a/the claim;
- d) the alleged injury

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “notice,” “claim,” “claims of physical injury,” “resulting from,” and “commercially launched,” all of which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it appears to seek identification of “each notice and/or claim” of any “physical injury” involving the Product “from the time the product(s) were commercially launched to the present day,” which extends back for a period of decades, involve different Product iterations, involves unrelated claims of injury, and that have no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding “each notice and/or claim ... of physical injury” related to the Product over a period of many years as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants refer Plaintiff to their responses to Plaintiff’s Requests for Production.

**INTERROGATORY NO. 14:** Do you contend that you do not have a legal responsibility to ensure the safety of products you sell to the general public? If your answer is “yes”, please state with specificity each and every fact upon which you base your contention.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “legal responsibility,” “to ensure,” “safety,” and “products,” all of which are left undefined. Defendants also object to this Interrogatory as unintelligible with regard to its phrasing, including the negative formulation of the query, “[d]o you contend that you do not have....”.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants respond that they do not contend that they do not have a responsibility to ensure that their products are safe if used properly, according to instructions and in compliance with applicable product warnings and safety advisories.

**INTERROGATORY NO. 15:** Please state the annual number of units/boxes sold for the hair product you have marketed, distributed, promoted, and/or sold within the United States under the

branding “L’Oréal Garnier Nutrisse Ultra Color BL21, “Blue Black,” hair dyeing kit, from the time the product(s) were commercially launched to the present day.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “units,” “boxes,” “sold,” and “commercially launched,” which are left undefined. Defendants further object to this Interrogatory in this product liability action involving an alleged allergic reaction from a single hair dye product sold in July 2017 as overbroad, unduly burdensome, not reasonably limited in time or scope, as seeking information that is immaterial to any issue in this civil action, and as not reasonably calculated to lead to the discovery of admissible evidence inasmuch as it seeks identification of sales information involving the Product “from the time the product(s) were commercially launched to the present day,” which extends back for a period of decades, involves different Product iterations, and that has no bearing on Plaintiff or her claimed injury. Defendants also object to the extent the Interrogatory seeks information regarding decades of sales information related to the Product as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants state that they are not in possession of information related to the annual number of units sold by retailers. Defendants further refer Plaintiff to their responses to Plaintiff’s Requests for Production.

**INTERROGATORY NO. 16:** Please state the difference per unit/box for the hair product you have marketed, distributed, promoted, and/or sold within the United States under the branding “L’Oréal Garnier Nutrisse Ultra Color BL21, “Blue Black,” hair dyeing kit today if the current PPD ingredient was replaced with 2-Methoxymethyl-p-Phenylenediamine:

- a) per unit/box cost of goods sold;
- b) per unit/box wholesale cost;
- c) per unit/box wholesale cost to Defendant Walgreen;
- d) per unit/box manufacturer suggested retail price.

**OBJECTION:** Defendants object to this Interrogatory as vague, ambiguous, and overbroad as to the words and phrases “difference per unit/box,” “current PPD ingredient,” “replaced,” “per unit/box cost of goods sold,” “per unit/box wholesale cost,” “per unit/box wholesale cost to Defendant Walgreen,” and “per unit/box manufacturer suggested retail price,” which are left undefined. Defendants further object to this Interrogatory to the extent it seeks information outside of Defendants’ custody and control, and because it asks Defendants to generate formulas, testing, calculations, and cost estimates that do not presently exist and would impose an undue burden to undertake. Defendants also object to the extent the Interrogatory seeks information and the generation of accompanying testing, development, and manufacturing costs regarding non-existent formulations for the Product as not “proportional to the needs of the case” under Federal Rule of Civil Procedure 26(b)(1) for the reasons set forth in the foregoing General Objections.

**RESPONSE:** Subject to and without waiving the foregoing objections, Defendants state that they are not in possession of information regarding “per unit/box” cost differences that

would accompany the “replace[ment]” of N-N-Bis (2-Hydroxyethyl)-p-Phenylenediamine Sulfate with 2-Methoxymethyl-p-Phenylenediamine. Substitution of those compounds would entail a multitude of different costs arising from any reformulation, including reformulation and compatibility testing of other ingredients to account for the change in compounds, safety testing, efficacy testing, changes in the manufacturing process, labeling changes, among other factors. It is not feasible to simply “swap” two different chemical compounds without consideration and testing of a range of variables that would accompany any formula change.

## EXHIBIT “D”

# CHRISTELL JOHNSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION

PAMELA JOHNSON, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
                        )  
VS.                     ) CIVIL ACTION  
                        )  
                        )  
L'ORÉAL USA S/D, INC.; ) NO.: 7:19-CV-00155-DC  
GARNIER LLC; AND WALGREEN  
CO.,                     )  
                        )  
                        )  
Defendants.         )

## ORAL DEPOSITION OF

CHRISTELL JOHNSON

FEBRUARY 14, 2020

VOLUME 1 OF 1

16 ORAL DEPOSITION OF CHRISTELL JOHNSON, produced as a  
17 witness at the instance of the DEFENDANTS, and duly  
18 sworn, was taken in the above-styled and numbered cause  
19 on February 14, 2020, from 9:26 a.m. to 10:41 a.m.,  
20 before Jordana Hodges, CSR in and for the State of  
21 Texas, reported by machine shorthand, at the offices of  
22 Permian Court Reporters, 509 N. Grant Avenue, Odessa,  
23 Texas, pursuant to the Federal Rules of Civil Procedure  
24 and the provisions stated on the record or attached  
25 hereto.

CHRISTELL JOHNSON

21

1           Q. Okay. But there have been times, I think you  
2 mentioned, when you've helped your mother color her  
3 hair?

4           A. Yes.

5           Q. And how long have you been doing that?

6           A. Since 1994. It's been, like, forever. Like,  
7 I've always done her hair for her, whether it's  
8 braiding, coloring, cutting her split ends. I've always  
9 done her hair other than, like, if I -- when I moved to  
10 Lubbock, and I would come back in town, she would wait  
11 for me so I could do her hair. So I've always done her  
12 hair.

13          Q. So 1994, that was while you were still in high  
14 school, right?

15          A. Yes, I've always done her hair. Do you need  
16 yours done? No, for reals.

17          Q. Starting to.

18          A. I'm trying to ease myself.

19          Q. How often do you color your mom's hair.

20          A. Every --

21                   MS. AMBLER: Objection to form. You can  
22 answer.

23          Q. (BY MR. HUTTON) Before -- let's start with  
24 this. Before this incident, how often would you color  
25 her hair?

CHRISTELL JOHNSON

22

1 A. Every six to seven weeks.

2 Q. And would she always color her hair at home, or  
3 would you ever go to a salon or another location for  
4 that?

5 A. We would color it at home.

6 Q. Have you ever known her to get her hair done at  
7 a salon or a beautician, hair color?

8 A. No.

9 Q. Do you know if she's ever used any hair  
10 color -- or hair products besides hair color?

11 A. Like, perming-wise, like a straight perm?

12 Q. Yeah, a relaxer --

13 A. Yes.

14 Q. -- or straightener.

15 Okay. What other products have you known  
16 her to use?

17 A. She used Just For Me relaxer.

18 Q. Just For Me?

19 A. Yes, sir.

20 Q. And that's a relaxer?

21 A. Yes, sir, it's a kid's relaxer.

22 Q. And how long have you known her to use Just For  
23 Me relaxer?

24 A. I really don't know when she started. I really  
25 don't recall when she started using it because before

CHRISTELL JOHNSON

57

1 recommend coloring with this particular BL21 hair dye  
2 color?

3 A. Every four to six weeks.

4 Q. And you said you would dye your mother's hair  
5 about how often?

6 A. Every six weeks.

7 Q. Okay. So y'all were kind of at the outside of  
8 that?

9 A. Correct.

10 Q. So Garnier actually wanted y'all to do it even  
11 more frequently?

12 MR. HUTTON: Objection, form.

13 A. Correct.

14 Q. (BY MS. AMBLER) So if y'all had followed the  
15 recommendation of the four weeks, would you then have  
16 been using this product even more often?

17 A. Yes.

18 Q. So if you had been using it more often, would  
19 your mother's scalp and hair have been exposed to this  
20 product more?

21 A. Yes.

22 Q. And let me turn -- get you to turn it over to  
23 the first page there. And L'Oréal's attorney pointed  
24 you to that Usage Advisory-Safety Warnings there, and  
25 I'd like to ask you here -- it says, "Do not use if you

CHRISTELL JOHNSON

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1 A. No.

2 Q. Who had the better knowledge that that could  
3 happen, do you think?

4 MR. HUTTON: Objection, form.

5 A. L'Oréal and Garnier.

6 MS. AMBLER: I pass the witness.

7 FURTHER EXAMINATION

8 BY MR. HUTTON:

9 Q. Okay. Briefly, Ms. Johnson, I'll keep the  
10 deposition Exhibit No. 2 there in front of you. Do you  
11 see under the Usage Advisory-Safety Warnings a section  
12 that is in bold and all caps that says, "Skin allergy  
13 test to be performed 48 hours before each use of this  
14 product even if you have already used this or another  
15 hair color product." Do you see that?

16 A. Yes.

17 Q. Did you read that before applying the hair  
18 color to her hair?

19 A. No.

20 Q. And you already said you didn't conduct that  
21 skin test, correct?

22 A. Correct.

23 Q. And then beneath that, it says, "Skin allergy  
24 test, important, this product can cause an allergic  
25 reaction, which in certain rare cases, can be severe."

## EXHIBIT “E”

<https://www.garnierusa.com/tips-how-tos/how-to-apply-nutrisse>



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STYLE

HAIR COLOR

SKIN CARE

TIPS & HOW-  
TOS

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TOOLS



[Home](#) > [Tips And How Tos](#) > **How To Apply Nutrisse**

## How to apply nutrisse | hair color 101

In this easy hair color tutorial, you'll learn how to achieve radiant, long-lasting color and 100% gray coverage at home with Nutrisse Nourishing Color Creme. With avocado, olive and shea oils, it gives you the color you want and the nourishment your hair needs.

Before you get started, don't forget to do a 48-hour skin allergy test.

---

### FOLLOW THESE STEPS FOR A FLAWLESS APPLICATION

---

1

#### PREPARE TO COLOR

Always read and follow the instruction sheet included in the box for both full head and touch-up applications. Beginning with dry, unwashed hair, wrap a towel around your shoulders and put the gloves on to protect your clothes and hands from the hair color. Twist off the top of the applicator and add the color creme to the



513 - Medium  
Nude Brown


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EN

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## FOLLOW THESE STEPS FOR A FLAWLESS APPLICATION

# 1

### PREPARE TO COLOR

Always read and follow the instruction sheet included in the box for both full head and touch-up applications. Beginning with dry, unwashed hair, wrap a towel around your shoulders and put the gloves on to protect your clothes and hands from the hair color. Twist off the top of the applicator and add the color creme to the developer, then add the fruit oil concentrate.



**513 - Medium Nude Brown**

# 2

### MIX THE COLOR

Put the applicator back on the developer bottle, cover the tip with your finger and shake to mix the formula.



# 3

### APPLY TO ROOTS

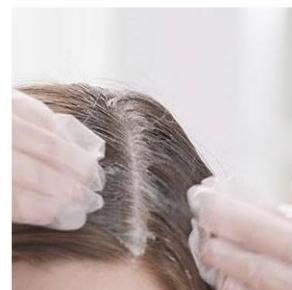
Start applying the color to your roots and fully saturate your hairline and temples.



# 4

### APPLY THROUGH ENDS

Apply the rest of the color through the lengths and ends of your hair.




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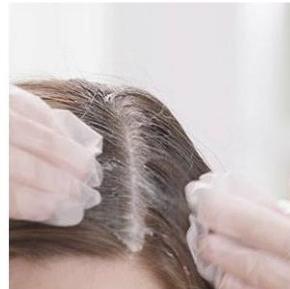

EN ▾

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4

**APPLY THROUGH ENDS**

Apply the rest of the color through the lengths and ends of your hair.



5

**WAIT 25-30 MINUTES**

Leave the hair color on for 25-30 minutes, depending on how many grays you have and your hair texture.



6

**RINSE & CONDITION**

Rinse your hair until the water runs clear. Apply the nourishing after color conditioner which is infused with avocado, olive and shea oils, and leaves your hair feeling silky and nourished. Leave the after color conditioner on for 2 minutes then rinse thoroughly. Towel-dry and style your hair.



## *The Virtual Shade Selector*

Take our 1-minute hair color quiz to find and virtually try on your personalized Garnier shades.

[FIND YOUR SHADE](#)

FIND YOUR  
SHADE &  
TRY IT ON!


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6

## RINSE & CONDITION

Rinse your hair until the water runs clear. Apply the nourishing after color conditioner which is infused with avocado, olive and shea oils, and leaves your hair feeling silky and nourished. Leave the after color conditioner on for 2 minutes then rinse thoroughly. Towel-dry and style your hair.



## The Virtual Shade Selector

Take our 1-minute hair color quiz to find and virtually try on your personalized Garnier shades.

[FIND YOUR SHADE](#)


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SHADE & TRY  
IT ON!

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## EXHIBIT “F”



We recommend coloring  
every 4-6 weeks.month day year  
Clip and save your shade

NUTRISSE®



## GARNIER® NUTRISSE® ULTRA COLOR

### NOURISHED HAIR

Nutrisse is the only color creme with a grapeseed oil ampoule mixed directly into your color. Nutrisse lets you nourish hair while you color.

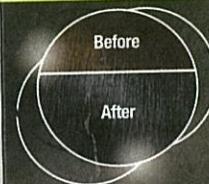


Non-drip creme formula spreads easy and smells great!

Lock in moisture with our creamy after-color conditioner infused with avocado, olive, and shea oils. It keeps hair soft, silky, and nourished.

### BOLDER COLOR

Take your color to the next level with intensity-enhancing reflects that deliver ultra vivid transformation for the boldest you.



### ULTRA COLOR BLACKS

All brunettes can achieve ultra bold black reflects for high-impact color in just one step.

#### GARNIER® CARES



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Take Care. Please recycle.



2

FRUIT OIL CONCENTRATE:  
1028840 PARAFFINUM LIQUIDUM/MINERAL OIL/HUILE MINERALE, VITIS VINIFERA SEED OIL/GRAPE SEED OIL, PARFUM/FRAGRANCE, TOCOPHEROL, ROSMARINUS OFFICINALIS (ROSEMARY) EXTRACT, F.I.L. #D25829/5

#### RINSE-OUT CONDITIONER:

1100859 AQUA/WATER/EAU, CETEARYL ALCOHOL, ELAEIS GUINEENSIS OIL/PALM OIL, BEHENTRIMONIUM CHLORIDE, PYRUS MALUS EXTRACT/APPLE FRUIT EXTRACT, GLYCERIN, PARFUM/FRAGRANCE, ISOPROPYL ALCOHOL, STEARAMIDOPROPYL DIMETHYLAMINE, NIACINAMIDE, PYRIDOXINE HCl, BUTYROSPERMUM PARKII BUTTER/SHEA BUTTER, CITRIC ACID, OLEA EUROPAEA OIL/OLIVE FRUIT OIL, SACCHARUM OFFICINARUM EXTRACT/SUGAR CANE EXTRACT/EXTRAIT DE CANNE A SUCRE, BENZYL ALCOHOL, CHLORHEXIDINE DIHYDROCHLORIDE, PERSEA GRATISSIMA OIL/AVOCADO OIL, RIBES NIGRUM OIL/BLACK CURRANT SEED OIL, LINALOOL, PHENOXYETHANOL, CITRUS MEDICA LIMONUM PEEL EXTRACT/LEMON PEEL EXTRACT, CI 19140/YELLOW 5, CAMELLIA SINENSIS LEAF EXTRACT, CI 15985/YELLOW 6, TOCOPHEROL, GLYCINE SOJA OIL/SOYBEAN OIL, F.I.L. #D174455/3

#### DEVELOPER:

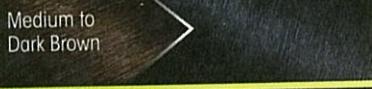
437047 U/AQUA/WATER/EAU, HYDROGEN PEROXIDE, CETEARYL ALCOHOL, TRIDECETH-2 CARBOAMIDE MEA, CETEARETH-25, GLYCERIN, PENTASODIUM PENTETATE, SODIUM STANNATE, TETRASODIUM PYROPHOSPHATE, PHOSPHORIC ACID, F.I.L. #D12859/23

### BOLD, ULTRA VIBRANT BLACK WITH VIVID REFLECTS

#### FIND YOUR HAIRCOLOR RESULT

Your natural  
haircolor is:

Your NUTRISSE  
ULTRA COLOR  
result will be:



Not recommended for bleached, highlighted,  
or predominantly gray hair.

#### FIND YOUR PERFECT SHADE VISIT GARNIERUSA.COM/SHADESELECTOR

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SELECTOR  
by GARNIER®

GARNIER®  
garnierUSA.com

4164653

4

## EXHIBIT “G”

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 161080**

**CONSUMER:**

Kathy M [Redacted]

Date Received: May 11, 2015

Brand: Garnier

Contact Method: Phone

**Redacted**Email:  
Address Type:Initial Advisor: Inez Katz  
Responsible Advisor: Inez Katz**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70Ko00
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	
Issue #:	2	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Stained Property
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70Ko00
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	
Issue #:	3	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Formulation
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 161080**

Issue #:	3	Batch Code1:	70Ko00
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	consumer states that she colored her hair 5/9/15 and the following day had a couple of sores on scalp area. consumer applied neosporin to the area and it seems to be getting better. consumer is more concerned that her fiberglass tub is stained. explained to consumer that we do not recommend using the product near porous surfaces. consumer is concerned that she cant get the stain out and her landlord will make her pay for the tub. recommended that she go to a home depot or lowes to see what they would recommend to use to remove the stain as we can not recommend anything since we do not test product on such areas, offered to send a 20.00 refund consumer felt that was not enough asked consumer to send photographs of the tub and receipt of the product she has to purchase to remove the stain	May 11, 2015 6:41:55 PM	Inez Katz	Case Comment

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**Returned Product:****Health Related Information:**

Reporter:	Consumer
Other Reporter:	
Symptoms:	sores
Reaction Body Site:	Scalp
Reaction Body Site Other:	
Previous Use of Product Shade:	Yes
Date Product First Used:	May 9 2015 12:00AM
Date Product First Used Other:	
Frequency Used Before Symptoms:	Single Use Product
Frequency of Use Before Symptoms:	
Frequency of Use Before Symptoms Other:	
Date Reaction Noticed:	
Reaction/Injury First Noticed Qty:	
Reaction/Injury First Noticed Other:	
Date Symptoms Started:	May 10 2015 12:00AM
Date Symptoms Started Other:	
Timing of Onset of Symptoms:	Days After Application
Timing of Onset of Symptoms Other:	
Duration Used Before Symptom Began:	

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 161080**

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**When Use of Product Stopped:** May 9 2015 12:00AM  
**When Use of Product Stopped Other:**  
**Date Product Last Used:**  
**Outcome of Event:** Getting Better  
**Date Symptoms Stopped:**  
**Date Symptoms Stopped Other:**  
**Reaction Lasted:**  
**Current Condition:**  
**Action Taken with Product:** Single Use Product  
**Action Taken Other:**  
**Application Body Site:** Hair  
**Application Body Site Other:**  
**Dr Visits:** No  
**Type of Doctor:**  
**Type of Doctor Other:**  
**Diagnosis From Med Rpt:**  
**Hospitalized From:**  
**Hospitalized From Other:**  
**Hospitalized Until:**  
**Hospitalized Until Other:**  
**Treatments for the Experience:** neosporin  
**Insurance:** No  
**Age Range:** 18-64 years  
**Gender:** Female  
**Allergy Test:**  
**Allergy Test Other:**  
**Where Allergy Test was Applied:**  
**Allergy Test Appearance:**  
**Tattoos:** No tattoos  
**If Temp Tattoo Reaction at Site:**  
**How Long was Product Used Before Symptoms Began:**  
**How Long Product Used Before Symptoms Began Other:**  
**How Long Reaction/Injury Lasted:**  
**How Long Reaction/Injury Lasted Other:**  
**Allergy Test Other:**  
**Survey Status:**  
**AE:**  
**Seriousness:**  
**Comments:**  
**Origin:**  
**Reportable:**  
**Date Submitted:**  
**FIL #:**  
**Formula #:**  
**Country Where Reaction Occurred:** United States  
**Country Handling The Case:** United States  
**Case Status:**  
**Assessment Date:**  
**Assessment By:**

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 494664**

**CONSUMER:**

Lisa C [Redacted]

Date Received: Sep 22, 2015

Brand: Garnier

Contact Method: Phone

**[Redacted]**Email:  
Address Type:Initial Advisor: Lori Bishara  
Responsible Advisor: Lori Bishara**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70m602
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	Consumer's husband [Redacted] called for her.	Sep 22, 2015 4:56:51 PM	Lori Bishara	Case Comment
2	Refund consumer \$8.00 for kit along with her medical expenses when consumer returns the requested info.	Sep 22, 2015 4:57:30 PM	Lori Bishara	Case Comment

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**Returned Product:****Health Related Information:**

Reporter:	Family
Other Reporter:	
Symptoms:	burning blisteres scabs
Reaction Body Site:	Scalp
Reaction Body Site Other:	
Previous Use of Product Shade:	Unsure
Date Product First Used:	Sep 17 2015 12:00AM
Date Product First Used Other:	
Frequency Used Before Symptoms:	Single Use Product

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 494664**

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**Frequency of Use Before Symptoms:**

**Frequency of Use Before Symptoms Other:**

**Date Reaction Noticed:**

**Reaction/Injury First Noticed Qty:**

**Reaction/Injury First Noticed Other:**

**Date Symptoms Started:** Sep 17 2015 12:00AM

**Date Symptoms Started Other:**

**Timing of Onset of Symptoms:** During Application

**Timing of Onset of Symptoms Other:**

**Duration Used Before Symptom Began:**

**When Use of Product Stopped:** Sep 17 2015 12:00AM

**When Use of Product Stopped Other:**

**Date Product Last Used:**

**Outcome of Event:** Getting Better

**Date Symptoms Stopped:**

**Date Symptoms Stopped Other:**

**Reaction Lasted:**

**Current Condition:**

**Action Taken with Product:** Single Use Product

**Action Taken Other:**

**Application Body Site:** Hair

**Application Body Site Other:**

**Dr Visits:** Yes - 1 visit

**Type of Doctor:** General Physician (General Practitioner)

**Type of Doctor Other:**

**Diagnosis From Med Rpt:**

**Hospitalized From:**

**Hospitalized From Other:**

**Hospitalized Until:**

**Hospitalized Until Other:**

**Treatments for the Experience:** rinsed head with saline and prescribed Prednisone

**Insurance:** Yes - Private

**Age Range:** 18-64 years

**Gender:** Female

**Allergy Test:**

**Allergy Test Other:**

**Where Allergy Test was Applied:**

**Allergy Test Appearance:**

**Tattoos:** Permanent

**If Temp Tattoo Reaction at Site:** No

**How Long was Product Used Before Symptoms Began:**

**How Long Product Used Before Symptoms Began Other:**

**How Long Reaction/Injury Lasted:**

**How Long Reaction/Injury Lasted Other:**

**Allergy Test Other:**

**Survey Status:**

**AE:**

**Seriousness:**

**Comments:**

**Origin:**

**Reportable:**

**Date Submitted:**

**FIL #:** D26169/5

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 494664**

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Formula #: 1053057  
Country Where Reaction Occurred: United States  
Country Handling The Case: United States  
Case Status:  
Assessment Date:  
Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 519075**

**CONSUMER:**

Carol M [Redacted]

Date Received: Sep 30, 2015

Brand: Garnier

Contact Method: Phone

**Redacted**

Email: [Redacted]

Initial Advisor: Glenda Clemons

Address Type:

Responsible Advisor: Glenda Clemons

**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	12k200
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	
Issue #:	2	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Results On Natural Hair Color
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	12k200
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	consumer stated that scalp is irritated and the color looks uneven black roots lighter ends.	Sep 30, 2015 9:34:59 PM	Cesarina Hierro	Case Comment

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
		Other:	0

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 519075**

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Salon Bills:	0	Other Return:	0
Hair Swatch:	0		
Returned Product:			

**Health Related Information:**

Reporter:	Consumer
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Other Reporter:	
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Symptoms:	redness burning hairloss
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Reaction Body Site:	
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Reaction Body Site Other:	
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Previous Use of Product Shade:	Yes
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Date Product First Used:	Sep 28 2015 12:00AM
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Date Product First Used Other:	
--------------------------------	--

Frequency Used Before Symptoms:	Single Use Product
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Frequency of Use Before Symptoms:	
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Frequency of Use Before Symptoms Other:	
---	--

Date Reaction Noticed:	
------------------------	--

Reaction/Injury First Noticed Qty:	
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Reaction/Injury First Noticed Other:	
--------------------------------------	--

Date Symptoms Started:	Sep 28 2015 12:00AM
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Date Symptoms Started Other:	
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Timing of Onset of Symptoms:	During Application
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Timing of Onset of Symptoms Other:	
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Duration Used Before Symptom Began:	
-------------------------------------	--

When Use of Product Stopped:	
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When Use of Product Stopped Other:	
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Date Product Last Used:	
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Outcome of Event:	Same
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Date Symptoms Stopped:	
------------------------	--

Date Symptoms Stopped Other:	
------------------------------	--

Reaction Lasted:	
------------------	--

Current Condition:	
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Action Taken with Product:	Single Use Product
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Action Taken Other:	
---------------------	--

Application Body Site:	Hair
------------------------	------

Application Body Site Other:	
------------------------------	--

Dr Visits:	Yes - 1 visit
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Type of Doctor:	
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Type of Doctor Other:	clinic
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Diagnosis From Med Rpt:	
-------------------------	--

Hospitalized From:	
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Hospitalized From Other:	
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Hospitalized Until:	
---------------------	--

Hospitalized Until Other:	
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Treatments for the Experience:	
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Insurance:	No
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Age Range:	18-64 years
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Gender:	Female
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**L'Oreal USA Consumer Care Center Case Details  
Case # 519075**

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Allergy Test:

Allergy Test Other:

Where Allergy Test was Applied:

Allergy Test Appearance:

Tattoos: No tattoos

If Temp Tattoo Reaction at Site:

How Long was Product Used Before Symptoms Began:

How Long Product Used Before Symptoms Began Other:

How Long Reaction/Injury Lasted:

How Long Reaction/Injury Lasted Other:

Allergy Test Other:

Survey Status:

AE:

Seriousness:

Comments:

Origin:

Reportable:

Date Submitted:

FIL #: D26169/5

Formula #:

Country Where Reaction Occurred: United States

Country Handling The Case: United States

Case Status:

Assessment Date:

Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 844164**

**CONSUMER:**

Elizabeth T [Redacted]

**Date Received:** Feb 8, 2016  
**Brand:** Garnier  
**Contact Method:** Phone

**Email:**  
**Address Type:**

**Initial Advisor:** Inez Katz  
**Responsible Advisor:** Inez Katz

**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70M900
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	C. works at Walgreens, she picked up a damaged Nutrisse hair color, and the developer leaked out onto her hands. She had no gloves on. The developer stained her hands, and hands became itchy. She was calling from the store, however she said she was going home. The Pharmacist gave her some creme to put on.	Feb 8, 2016 10:31:35 PM	Jacklyn Rahner	Case Comment
2	I left a message for consumer to call us back. Gave ref. # and advised to ask for a senior advisor.	Feb 9, 2016 3:36:21 PM	Lori Bishara	Case Comment
3	left message for consumer to call us back for assistance. Any SA can assist	Feb 12, 2016 5:13:15 PM	Inez Katz	Case Comment

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**Returned Product:****Health Related Information:**

Reporter:	Consumer
Other Reporter:	
Symptoms:	itching
Reaction Body Site:	Hands
Reaction Body Site Other:	
Previous Use of Product Shade:	

**L'Oreal USA Consumer Care Center Case Details  
Case # 844164**

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Date Product First Used: Feb 8 2016 12:00AM  
Date Product First Used Other:  
Frequency Used Before Symptoms:  
Frequency of Use Before Symptoms:  
Frequency of Use Before Symptoms Other:  
Date Reaction Noticed:  
Reaction/Injury First Noticed Qty:  
Reaction/Injury First Noticed Other:  
Date Symptoms Started:  
Date Symptoms Started Other:  
Timing of Onset of Symptoms:  
Timing of Onset of Symptoms Other:  
Duration Used Before Symptom Began:  
When Use of Product Stopped:  
When Use of Product Stopped Other:  
Date Product Last Used:  
Outcome of Event:  
Date Symptoms Stopped:  
Date Symptoms Stopped Other:  
Reaction Lasted:  
Current Condition:  
Action Taken with Product:  
Action Taken Other:  
Application Body Site:  
Application Body Site Other:  
Dr Visits:  
Type of Doctor:  
Type of Doctor Other:  
Diagnosis From Med Rpt:  
Hospitalized From:  
Hospitalized From Other:  
Hospitalized Until:  
Hospitalized Until Other:  
Treatments for the Experience:  
Insurance:  
Age Range:  
Gender: Female  
Allergy Test:  
Allergy Test Other:  
Where Allergy Test was Applied:  
Allergy Test Appearance:  
Tattoos:  
If Temp Tattoo Reaction at Site:  
How Long was Product Used Before Symptoms Began:  
How Long Product Used Before Symptoms Began Other:  
How Long Reaction/Injury Lasted:  
How Long Reaction/Injury Lasted Other:  
Allergy Test Other:  
Survey Status:  
AE:  
Seriousness:  
Comments:  
Origin:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 844164**

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**Reportable:**

**Date Submitted:**

**FIL #:**

**Formula #:**

**Country Where Reaction Occurred:** United States

**Country Handling The Case:** United States

**Case Status:**

**Assessment Date:**

**Assessment By:**

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 929067**

**CONSUMER:**

Tina S [Redacted]

Date Received: Mar 9, 2016

Brand: Garnier

Contact Method: Phone

**Redacted**Email:  
Address Type:Initial Advisor: Linn York  
Responsible Advisor: Linn York**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70N101, 70N101
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	C. used 2 boxes of color and had a burning scalp, she wants to be compensated for the boxes. please call her back.	Mar 9, 2016 7:48:10 PM	Dawn Wislinski	Case Comment
2	there is no phone number or email address to contact consumer.	Mar 9, 2016 10:03:57 PM	Linn York	Case Comment
3	found phone number once i went into the contact details. called c and left a message	Mar 10, 2016 2:05:23 PM	Linn York	Case Comment

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**Returned Product:****Health Related Information:**

Reporter:

Other Reporter:

Symptoms:

Reaction Body Site:

Reaction Body Site Other:

Previous Use of Product Shade:

Date Product First Used:

Date Product First Used Other:

Frequency Used Before Symptoms:

**L'Oreal USA Consumer Care Center Case Details  
Case # 929067**

---

Frequency of Use Before Symptoms:

Frequency of Use Before Symptoms Other:

Date Reaction Noticed:

Reaction/Injury First Noticed Qty:

Reaction/Injury First Noticed Other:

Date Symptoms Started:

Date Symptoms Started Other:

Timing of Onset of Symptoms:

Timing of Onset of Symptoms Other:

Duration Used Before Symptom Began:

When Use of Product Stopped:

When Use of Product Stopped Other:

Date Product Last Used:

Outcome of Event:

Date Symptoms Stopped:

Date Symptoms Stopped Other:

Reaction Lasted:

Current Condition:

Action Taken with Product:

Action Taken Other:

Application Body Site:

Application Body Site Other:

Dr Visits:

Type of Doctor:

Type of Doctor Other:

Diagnosis From Med Rpt:

Hospitalized From:

Hospitalized From Other:

Hospitalized Until:

Hospitalized Until Other:

Treatments for the Experience:

Insurance:

Age Range:

Gender:

Allergy Test:

Allergy Test Other:

Where Allergy Test was Applied:

Allergy Test Appearance:

Tattoos:

If Temp Tattoo Reaction at Site:

How Long was Product Used Before Symptoms Began:

How Long Product Used Before Symptoms Began Other:

How Long Reaction/Injury Lasted:

How Long Reaction/Injury Lasted Other:

Allergy Test Other:

Survey Status:

AE:

Seriousness:

Comments:

Origin:

Reportable:

Date Submitted:

FIL #:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 929067**

---

Formula #:

Country Where Reaction Occurred:

Country Handling The Case:

Case Status:

Assessment Date:

Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 1793787**

**CONSUMER:**

Veronica P Redacted

Date Received: Nov 22, 2016

Brand: Garnier

Contact Method: Phone

**Redacted**Email:  
Address Type:Initial Advisor: Lori Bishara  
Responsible Advisor: Lori Bishara**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	Consumer Discarded Product
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	Consumer said she has another RX but wasn't home, not sure of the name. Refund consumer \$8.00 for kit along with OOP medical expenses when we receive the requested info.	Nov 22, 2016 7:25:39 PM	Lori Bishara	Case Comment

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0
Returned Product:			

**Health Related Information:**

Reporter:	Consumer
Other Reporter:	
Symptoms:	bumps
Reaction Body Site:	Arms;Back;Body;Chest;Legs;Scalp
Reaction Body Site Other:	
Previous Use of Product Shade:	No
Date Product First Used:	Oct 23 2016 12:00AM
Date Product First Used Other:	
Frequency Used Before Symptoms:	Single Use Product
Frequency of Use Before Symptoms:	
Frequency of Use Before Symptoms Other:	
Date Reaction Noticed:	

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 1793787**

---

**Reaction/Injury First Noticed Qty:**  
**Reaction/Injury First Noticed Other:**  
**Date Symptoms Started:** Oct 24 2016 12:00AM  
**Date Symptoms Started Other:**  
**Timing of Onset of Symptoms:** Days After Application  
**Timing of Onset of Symptoms Other:**  
**Duration Used Before Symptom Began:**  
**When Use of Product Stopped:** Oct 23 2016 12:00AM  
**When Use of Product Stopped Other:**  
**Date Product Last Used:**  
**Outcome of Event:** Getting Worse  
**Date Symptoms Stopped:**  
**Date Symptoms Stopped Other:**  
**Reaction Lasted:**  
**Current Condition:**  
**Action Taken with Product:** Single Use Product  
**Action Taken Other:**  
**Application Body Site:** Hair  
**Application Body Site Other:**  
**Dr Visits:** Yes - 1 visit  
**Type of Doctor:** General Physician (General Practitioner)  
**Type of Doctor Other:**  
**Diagnosis From Med Rpt:**  
**Hospitalized From:**  
**Hospitalized From Other:**  
**Hospitalized Until:**  
**Hospitalized Until Other:**  
**Treatments for the Experience:** Benadryl, Diphenhydramine  
**Insurance:** Yes – Medicaid  
**Age Range:** 18-64 years  
**Gender:** Female  
**Allergy Test:**  
**Allergy Test Other:**  
**Where Allergy Test was Applied:**  
**Allergy Test Appearance:**  
**Tattoos:** No tattoos  
**If Temp Tattoo Reaction at Site:**  
**How Long was Product Used Before Symptoms Began:**  
**How Long Product Used Before Symptoms Began Other:**  
**How Long Reaction/Injury Lasted:**  
**How Long Reaction/Injury Lasted Other:**  
**Allergy Test Other:**  
**Survey Status:**  
**AE:**  
**Seriousness:**  
**Comments:**  
**Origin:**  
**Reportable:**  
**Date Submitted:**  
**FIL #:**  
**Formula #:**  
**Country Where Reaction Occurred:** United States  
**Country Handling The Case:** United States

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 1793787**

---

Case Status:

Assessment Date:

Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 2807667**

**CONSUMER:**

Nikki [Redacted]

Date Received: Jul 9, 2017

Brand: Garnier

Contact Method: Rating &amp; Review

Redacted [Redacted]

Email: Redacted [Redacted]

Initial Advisor: Lori Bishara

Address Type:

Responsible Advisor: Lori Bishara

**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	Not Provided In Email/Letter/Phone Call
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	Source: [Bazaarvoice] Nickname: [Redacted]	Jul 9, 2017 2:02:20 PM	Lori Bishara	Rating & Review

Review Information: READ BEFORE YOU BUY!

I brought this product, for the first time, in hopes of a nice blue-black color, well I got the color, but I also develop a rash on my scaple, that had me digging my nails into my head every chance I got, and it lasted for many days, only relief I get is when I put a hair oil my scaple, I am thinking there must have been something in the product, so I recommend everyone know what you are putting on your hair, I am allergic to Argan oil of morocco, it gives me the same reaction as this hair color. So please be mindful of your products you use. Read before you buy, unlike myself.

Reviewed on Ultra Color BL21 - Reflective Blue Black<<http://www.garnierusa.com/products/haircolor/nutrisse-ultra-color/Black/INTENSE-BLUE-BLACK-BL-2-10.aspx>>

**Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 2807667**

---

Returned Product:

**Health Related Information:**

Reporter:	Consumer
Other Reporter:	
Symptoms:	rash
Reaction Body Site:	Scalp
Reaction Body Site Other:	
Previous Use of Product Shade:	
Date Product First Used:	
Date Product First Used Other:	
Frequency Used Before Symptoms:	Single Use Product
Frequency of Use Before Symptoms:	
Frequency of Use Before Symptoms Other:	
Date Reaction Noticed:	
Reaction/Injury First Noticed Qty:	
Reaction/Injury First Noticed Other:	
Date Symptoms Started:	
Date Symptoms Started Other:	
Timing of Onset of Symptoms:	
Timing of Onset of Symptoms Other:	
Duration Used Before Symptom Began:	
When Use of Product Stopped:	
When Use of Product Stopped Other:	
Date Product Last Used:	
Outcome of Event:	
Date Symptoms Stopped:	
Date Symptoms Stopped Other:	
Reaction Lasted:	
Current Condition:	
Action Taken with Product:	Single Use Product
Action Taken Other:	
Application Body Site:	Hair
Application Body Site Other:	
Dr Visits:	
Type of Doctor:	
Type of Doctor Other:	
Diagnosis From Med Rpt:	
Hospitalized From:	
Hospitalized From Other:	
Hospitalized Until:	
Hospitalized Until Other:	
Treatments for the Experience:	
Insurance:	
Age Range:	
Gender:	Female
Allergy Test:	
Allergy Test Other:	
Where Allergy Test was Applied:	
Allergy Test Appearance:	
Tattoos:	
If Temp Tattoo Reaction at Site:	
How Long was Product Used Before Symptoms Began:	
How Long Product Used Before Symptoms Began Other:	

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 2807667**

---

How Long Reaction/Injury Lasted:

How Long Reaction/Injury Lasted Other:

Allergy Test Other:

Survey Status:

AE:

Seriousness:

Comments:

Origin:

Reportable:

Date Submitted:

FIL #:

Formula #:

Country Where Reaction Occurred: United States

Country Handling The Case: United States

Case Status:

Assessment Date:

Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 2969055**

**CONSUMER:**

Jennifer Q Redacted

Date Received: Aug 8, 2017

Brand: Garnier

Contact Method: Phone

**Redacted**Email:  
Address Type:Initial Advisor: Inez Katz  
Responsible Advisor: Inez Katz**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70NN02
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	
Issue #:	2	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Mixture Hot - Steaming on Hair
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	70NN02
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:****Enclosure Sent:****Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0
Returned Product:			

**Plaintiff Exhibit G (Page 22 of 30)**

L'Oreal-Johnson-0073

Health Related Information:

Reporter: Family  
 Other Reporter:  
 Symptoms: burning  
redness  
 Reaction Body Site: Scalp  
 Reaction Body Site Other:  
 Previous Use of Product Shade: Unsure  
 Date Product First Used: Aug 5 2017 12:00AM  
 Date Product First Used Other:  
 Frequency Used Before Symptoms: Single Use Product  
 Frequency of Use Before Symptoms:  
 Frequency of Use Before Symptoms Other:  
 Date Reaction Noticed:  
 Reaction/Injury First Noticed Qty:  
 Reaction/Injury First Noticed Other:  
 Date Symptoms Started: Aug 5 2017 12:00AM  
 Date Symptoms Started Other:  
 Timing of Onset of Symptoms: During Application  
 Timing of Onset of Symptoms Other:  
 Duration Used Before Symptom Began:  
 When Use of Product Stopped:  
 When Use of Product Stopped Other:  
 Date Product Last Used:  
 Outcome of Event: Resolved  
 Date Symptoms Stopped: Aug 5 2017 12:00AM  
 Date Symptoms Stopped Other:  
 Reaction Lasted:  
 Current Condition:  
 Action Taken with Product: Single Use Product  
 Action Taken Other:  
 Application Body Site: Hair  
 Application Body Site Other:  
 Dr Visits: No  
 Type of Doctor:  
 Type of Doctor Other:  
 Diagnosis From Med Rpt:  
 Hospitalized From:  
 Hospitalized From Other:  
 Hospitalized Until:  
 Hospitalized Until Other:  
 Treatments for the Experience:  
 Insurance:  
 Age Range: 18-64 years  
 Gender: Female  
 Allergy Test: 25 minutes  
 Allergy Test Other:  
 Where Allergy Test was Applied: behind ear  
 Allergy Test Appearance: no change  
 Tattoos: Permanent  
 If Temp Tattoo Reaction at Site: No  
 How Long was Product Used Before Symptoms Began:

**L'Oreal USA Consumer Care Center Case Details  
Case # 2969055**

---

How Long Product Used Before Symptoms Began Other:

How Long Reaction/Injury Lasted:

How Long Reaction/Injury Lasted Other:

Allergy Test Other:

Survey Status:

AE:

Seriousness:

Comments:

Origin:

Reportable:

Date Submitted:

FIL #:

Formula #:

Country Where Reaction Occurred: United States

Country Handling The Case: United States

Case Status:

Assessment Date:

Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 7377668**

**CONSUMER:**

Kimberly O Redacted

Date Received: Aug 22, 2019

Brand: Garnier

Contact Method: Phone

Redacted

Email:  
Address Type:Initial Advisor: Helen Perconte  
Responsible Advisor: Helen Perconte**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	Consumer Discarded Product
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:****Enclosure Sent:**

Value	Quantity	Date Picked
22		Aug 26, 2019

**Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**Returned Product:****Health Related Information:**

Reporter: Consumer or Non health professional

Other Reporter:

Symptoms: hairloss

tingling

Reaction Body Site:

Other

Reaction Body Site Other:

internal

Previous Use of Product Shade:

No

Date Product First Used:

Jul 27 2019 12:00AM

Date Product First Used Other:

Single Use Product

Frequency Used Before Symptoms:

Frequency of Use Before Symptoms:

Frequency of Use Before Symptoms Other:

Date Reaction Noticed:

Reaction/Injury First Noticed Qty:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 7377668**

---

**Reaction/Injury First Noticed Other:**

**Date Symptoms Started:** Jul 27 2019 12:00AM  
Aug 15 2019 12:00AM

**Date Symptoms Started Other:**

**Timing of Onset of Symptoms:** Minutes After Application  
Weeks After Application

**Timing of Onset of Symptoms Other:**

**Duration Used Before Symptom Began:**  
**When Use of Product Stopped:** Jul 27 2019 12:00AM

**When Use of Product Stopped Other:**

**Date Product Last Used:**

**Outcome of Event:** Not Recovered/ Not Resolved

**Date Symptoms Stopped:**

**Date Symptoms Stopped Other:**

**Reaction Lasted:**

**Current Condition:**

**Action Taken with Product:** Single Use Product

**Action Taken Other:**

**Application Body Site:** Hair

**Application Body Site Other:**

**Dr Visits:**

**Type of Doctor:**

**Type of Doctor Other:**

**Diagnosis From Med Rpt:**

**Hospitalized From:**

**Hospitalized From Other:**

**Hospitalized Until:**

**Hospitalized Until Other:**

**Treatments for the Experience:** Coconut Oil, Olive Oil.,  
Biotene

**Insurance:** Yes - Medicare

**Age Range:** 18-64 years

**Gender:** Female

**Allergy Test:**

**Allergy Test Other:**

**Where Allergy Test was Applied:**

**Allergy Test Appearance:**

**Tattoos:** No tattoos

**If Temp Tattoo Reaction at Site:**

**How Long was Product Used Before Symptoms Began:**

**How Long Product Used Before Symptoms Began Other:**

**How Long Reaction/Injury Lasted:**

**How Long Reaction/Injury Lasted Other:**

**Allergy Test Other:**

**Survey Status:**

**AE:**

**Seriousness:**

**Comments:**

**Origin:**

**Reportable:**

**Date Submitted:**

**FIL #:**

**Formula #:**

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 7377668**

---

Country Where Reaction Occurred: United States  
Country Handling The Case: United States  
Case Status:  
Assessment Date:  
Assessment By:

**L'Oreal USA Consumer Care Center Case Details**  
**Case # 9205584**

**CONSUMER:**

Lynne P [Redacted]

**Redacted**

Email: [Redacted]

Address Type:

Date Received: Feb 13, 2020

Brand: Garnier

Contact Method: Phone

Initial Advisor: Karen Seibert

Responsible Advisor: Karen Seibert

**Product/Reason:**

Issue #:	1	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Health Related Complaint
		Cause:	NO CAUSE
		Explanation:	
		Lot Code Other:	Consumer Discarded Product
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	
Issue #:	2	Product:	Nutrisse Ultra Color
		Shade/Size:	BL21 (Reflective Blue Black)
		Reason:	Hair Breakage
		Cause:	Cause Could Not Be Determined
		Explanation:	
		Lot Code Other:	Consumer Discarded Product
		Component1:	
		Component2:	
		Component3:	
		Component4:	
		Component5:	
		Component6:	
		Batch Code1:	
		Batch Code2:	
		Batch Code3:	
		Batch Code4:	
		Batch Code5:	
		Batch Code6:	

**Case Correspondences/Notes:**

#	Correspondences/Notes	Created Date	Created By	Text Type
1	Consumer normally uses Nutrisse 63 and when she can't find 63 she uses 73. Hair is natural she wears fro. She used BL2 for the first time and experienced a heavy dandruff and extreme hair breakage not sure if it's breaking or falling out. She has before and after photos. Hair is about 5 inches long.	Feb 13, 2020 5:36:20 PM	Roseann Vanness	Case Comment

**Enclosure Sent:**

Value	Quantity	Date Picked
16	2	Feb 13, 2020
15	3	Feb 13, 2020

**Plaintiff Exhibit G (Page 28 of 30)**

L'Oreal-Johnson-0079

**Returned Items:**

Proof of Purchase:	0	Photos:	0
Medical Bills:	0	Damaged Items:	0
Medical Report:	0	Sample Size:	0
Medical Release:	0	Checks/Coupons:	0
Prescriptions:	0	Literature:	0
Salon Bills:	0	Other:	0
Hair Swatch:	0	Other Return:	0

**Returned Product:****Health Related Information:**

Reporter:	Consumer or Non health professional
Other Reporter:	
Symptoms:	dandruff
Reaction Body Site:	Scalp
Reaction Body Site Other:	
Previous Use of Product Shade:	No
Date Product First Used:	Feb 8 2020 12:00AM
Date Product First Used Other:	
Frequency Used Before Symptoms:	Single Use Product
Frequency of Use Before Symptoms:	
Frequency of Use Before Symptoms Other:	
Date Reaction Noticed:	
Reaction/Injury First Noticed Qty:	
Reaction/Injury First Noticed Other:	
Date Symptoms Started:	Feb 10 2020 12:00AM
Date Symptoms Started Other:	
Timing of Onset of Symptoms:	Days After Application
Timing of Onset of Symptoms Other:	
Duration Used Before Symptom Began:	
When Use of Product Stopped:	
When Use of Product Stopped Other:	
Date Product Last Used:	
Outcome of Event:	Not Recovered/ Not Resolved
Date Symptoms Stopped:	
Date Symptoms Stopped Other:	
Reaction Lasted:	
Current Condition:	
Action Taken with Product:	
Action Taken Other:	
Application Body Site:	Hair
Application Body Site Other:	
Dr Visits:	No
Type of Doctor:	
Type of Doctor Other:	
Diagnosis From Med Rpt:	
Hospitalized From:	
Hospitalized From Other:	
Hospitalized Until:	
Hospitalized Until Other:	
Treatments for the Experience:	
Insurance:	
Age Range:	18-64 years
Gender:	Female
Allergy Test:	

**L'Oreal USA Consumer Care Center Case Details  
Case # 9205584**

---

Allergy Test Other:

Where Allergy Test was Applied:

Allergy Test Appearance:

Tattoos: No tattoos

If Temp Tattoo Reaction at Site:

How Long was Product Used Before Symptoms Began:

How Long Product Used Before Symptoms Began Other:

How Long Reaction/Injury Lasted:

How Long Reaction/Injury Lasted Other:

Allergy Test Other:

Survey Status:

AE:

Seriousness:

Comments:

Origin:

Reportable:

Date Submitted:

FIL #:

Formula #:

Country Where Reaction Occurred: United States

Country Handling The Case: United States

Case Status:

Assessment Date:

Assessment By:

## EXHIBIT “H”

News &gt; UK &gt; Crime

## L'Oréal is sued over 'dangerous' hair dyes

By **Severin Carrell** | Saturday 17 September 2011 13:25

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The world's largest cosmetics firm, L'Oréal, is being sued over claims that one woman was killed and more than a dozen women suffered severe burns after using its hair dyes.

The world's largest cosmetics firm, L'Oréal, is being sued over claims that one woman was killed and more than a dozen women suffered severe burns after using its hair dyes.

Lawyers claim that safety warnings for some of L'Oréal's best-known permanent hair dyes - such as the Feria range promoted by the singer Beyoncé - are inaccurate and downplay the potentially lethal risk of using them.

In one case, the firm is being sued for £750,000 by the family of Navinder Devi, from Birmingham, who died in 2000 after using Movida, a hair colourant made by its subsidiary Laboratoires Garnier.

She suffered from anaphylactic shock: her throat and face swelled, and her airway was blocked. At her inquest, L'Oréal agreed that the dye was the most likely cause of her death. It offered her husband, Kapil Rajja, a pharmacist, £200,000 in an out-of-court settlement but would not admit its dye was to blame.

Lawyers in Britain and Denmark are preparing group actions against L'Oréal and other firms for allegedly failing to protect customers from injury. The Danish Consumer Council has received more than 100 complaints since 2000, and is preparing eight cases. It has accused the industry of using out-of-court settlements to avoid being forced to drop its most dangerous chemicals.

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The company said it had "total confidence" that its products were safe, and insisted that its recommended skin tests were "100 per cent" accurate if properly used. "It is widely acknowledged that a very small number of people can experience reactions to hair colourants ... Severe reactions ... are extremely rare."



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**Plaintiff Exhibit H (Page 1 of 2)**

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# Lawyer was 'hours from death' after severe allergic reaction to chemical in £5 L'Oreal hair dye that left her struggling to breathe

- Marina Williamson suffered severe allergic reaction from L'Oreal hair dye
- The 33-year-old lawyer broke out in hives and was left struggling to breathe
- Doctors told her she was 'moments from death' and nearly had heart attack
- She is warning other women to take care with £5 high street hair dye kits

By EMMA GLANFIELD FOR MAILONLINE

PUBLISHED: 12:19 EST, 3 September 2015 | UPDATED: 14:31 EST, 3 September 2015

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A lawyer has revealed how she was left 'moments from death' after suffering a severe allergic reaction to a £5 L'Oreal hair dye which left her struggling to breathe.

Marina Williamson, 33, broke out in hives and found it increasingly difficult to breathe just 24 hours after applying the L'Oreal Garnier Nutrisse dye before a night out with friends.

The solicitor, who lives in Wembley but works in Enfield, London, managed to enjoy the night with her friends but woke up on Saturday covered in rashes and feeling lethargic.

Five days later, struggling to breathe and barely able to move, she took herself to Luton and Dunstable Hospital in Bedford, where she was told she was just hours away from a heart attack.

She told MailOnline: 'The doctor said if I had waited a moment longer, I probably would've had a heart attack.'

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## DON'T MISS

**EXCLUSIVE** William and Kate and their children mingle with Edward and Sophie's family as a group of NINE on night out - despite rule of six



► Maura Higgins sets pulses racing in festive red lingerie for sizzling shoot... sparking a VERY cheeky response from boyfriend Chris Taylor



► Did Dominic West's dinner flout Covid restrictions? Actor is pictured among group of seven enjoying meal in apparent breach of 'rule of six'



**EXCLUSIVE** Sofia Richie, 22, slips into a bikini to enjoy St Barts by jet ski during height of the pandemic as dad Lionel Richie, 71, goes shirt-free



► Strictly's Maisie Smith 'could become a MILLIONAIRE in two years if she quits EastEnders after being inundated with big-money offers'



Plaintiff Exhibit I (Page 1 of 6)

'I couldn't breathe, my airwaves were blocked, my chest was incredibly tight and I couldn't move or talk.

'My heart was racing, I could feel my pulse in my neck, my arms and hands. I honestly thought I was dying.'

'I felt just awful, it was an allergic reaction but your body goes through something you can't quite pinpoint, it was indescribable.'

She was put on a high dosage of steroids and antihistamines and given oxygen before being forced to stay in hospital for a couple of days.

Doctors told her she suffered an allergic reaction to the chemical phenylenediamine (PPD), which is found in almost all permanent hair dyes sold in the UK including the £5 L'Oreal kit she purchased.

She said: 'I'm still recovering now, everything is still sore. I've still got hives and I'm itching like crazy.'

'My scalp around my hairline is weeping, and I can honestly say I haven't felt the same since. I feel like I've still got something in my system. It has been terrifying to say the least.'

'The doctor said he will never dye his hair after seeing me, the hospital staff were really surprised.'

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'I don't think many people would realise that hair dye can actually be life threatening but the doctor said it was close to being fatal. It really opened my eyes, it was shocking.'

Ms Williamson, who works for OJN Solicitors in Enfield, said it was the first time she

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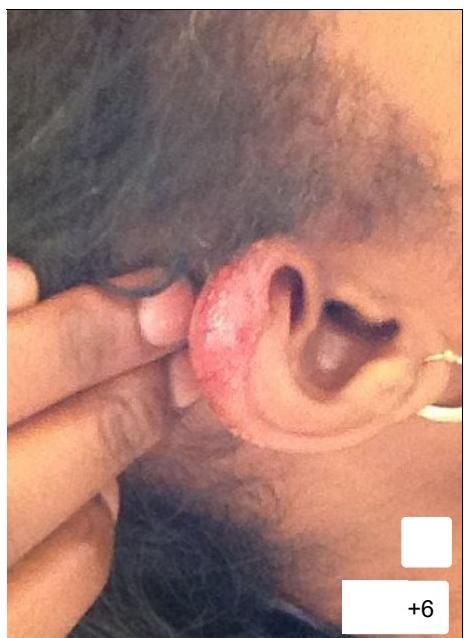


had dyed her hair but said she followed the instructions explicitly.

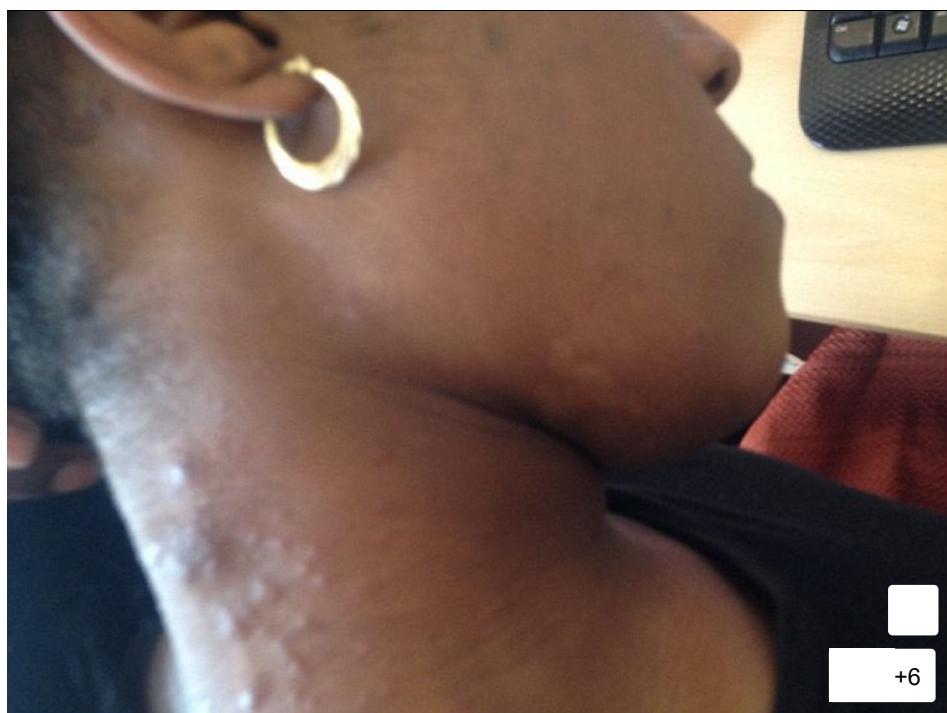
She said: 'I did the 24 hour patch test and that was fine so I used it on the Friday afternoon because I was going out that evening.'

'On Saturday, I came out with rashes all over my neck and I wasn't feeling 100 per cent, I was very lethargic. I thought I was feverish but by 10pm I had to find a 24-hour pharmacy because I couldn't bear the itching.'

'On Monday, I woke up and my ears were bright red and weeping. I went into work and my colleague said there's something seriously wrong with you so I googled my symptoms and it came up an allergic reaction and the penny dropped.'



**Ms Williamson, 33, broke out in hives and found it increasingly difficult to breathe just 24 hours after applying the L'Oreal Garnier Nutrisse dye. She later woke up with swollen ears and found it difficult to move around**



Doctors told Ms Williamson that she suffered an allergic reaction to the chemical

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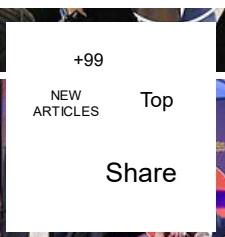
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**phenylenediamine (PPD), which is found in almost all permanent hair dyes sold in the UK including the £5 L'Oreal kit she purchased**

She said her condition rapidly deteriorated over the following 24 hours and by Tuesday night she was barely able to get out of bed.

She added: 'I was feeling incredibly unwell and I honestly thought I was dying. I text some family members and took a taxi to the hospital but when I got there I could barely get my words out.'

'The doctor essentially said I ought to have called an ambulance.'

'I didn't have any signs that I was going to be allergic to it and in fairness it wasn't until days later that I was admitted into hospital so what was the point in the patch test?'

'It makes me feel incredibly sceptical of any chemical-based products. I just want to stay clear of chemicals completely.'

She is now demanding that hair colouring manufacturers provide more detailed information on their boxes which warn of the potential allergic reactions and dangers of the chemicals they contain.

She added: 'I've heard from so many women who have had bad reactions to hair dye. It's bigger than we think.'

'I think the general public deserve a far higher duty of care when they are choosing their beauty products. I don't think this should be on the shelf. I really feel something ought to be done.'

'Yes, it says on the box about doing a patch test but it doesn't go as far to say exactly how bad your reaction could be and it needs to be in red writing. The more women know how badly the risks are, the more women will think twice about using them.'

'I think I need to tackle the problem of this chemical being used, it's far too unsafe. You've got teenagers, elderly women, young mothers using these hair dyes, it's really scary.'

She said she had been inundated with messages from other women who had also suffered bad reactions to hair dye since revealing her plight.

She added: 'My friend was telling me she used dye for 10 years and then all of a sudden she had a terrible reaction. That's a common message that is coming through to me over the last couple of days. It's diabolical.'

'It attacks your vital organs, it happens over days, every day you wake up and your worse, it doesn't subside.'

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The solicitor, who lives in Wembley but works in Enfield, London, is now demanding that hair colouring manufacturers provide more detailed information on their boxes which warn of potential allergic reactions



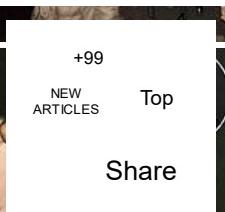
**Ms Williamson, 33, suffered a severe allergic reaction after purchasing this L'Oreal Garnier Nutrisse hair dye**

'My advice to anyone with symptoms would be to go to hospital and seek medical help. If I had waited a day longer I could have had a cardiac arrest and I may not have lived to tell the tale, it was that serious.'

Ms Williamson is not the first woman to have suffered a severe life-threatening

### Plaintiff Exhibit I (Page 5 of 6)

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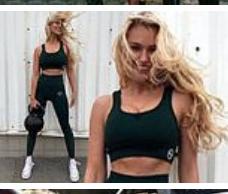
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allergic reaction to a popular high street hair dye.

Tabatha McCourt, 17, died after using a home hair dye kit in 2011, while 39-year-old mother Julie McCabe also suffered a fatal allergic reaction while rinsing out hair dye last year,

She still had the dye in her hair when she 'screamed loudly' and gasped at her husband: 'I'm struggling to breathe, I think I'm going to die.'

He dialled 999 but became impatient with the emergency operator and decided to drive his wife the three miles to Airedale Hospital in Keighley. She fell into a coma and died 12 months later in hospital without regaining consciousness.

The cause of death was given as cardiorespiratory arrest as a result of severe brain damage.

The product used by Mrs McCabe, whose children were aged 16 and 21 when she died, was L'Oreal Recital Preference shade one.

A L'Oreal spokeswoman said: 'Allergic reactions to hair colourants are extremely rare.'

'Potential reactions can be detected by carrying out the Allergy Alert Test, as directed on pack and contained in the leaflet, 48 hours before you wish to use the product.'

'Our website becoloursafe.com has a step-by-step guide on how to carry one out. The Allergy Alert Test must be completed before each colour application, even if you have previously used the same hair colourant or the colourant of any other brand.'

'If you have ever experienced any reaction after colouring your hair or any reaction after temporary tattooing with black henna you should not proceed.'

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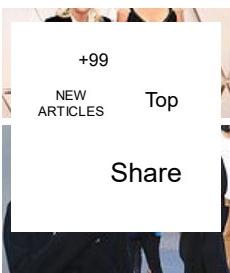
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## EXHIBIT “J”



SHOP VOUCHER CODES OFFERS BINGO DATING JOBS FUNERAL NOTICES HOROSCOPES CARTOO

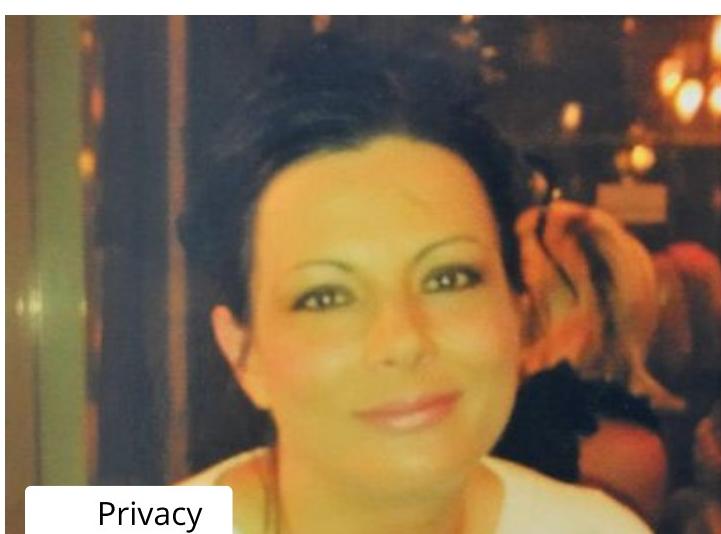
# Mum of two died after falling into coma following allergic reaction to HAIR DYE

A doctors' surgery failed to record Julie McCabe was allergic to using the dye, despite 20 visits to GPs

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By Ben Lack, [Mark Lister](#) & [Mark Branagan](#)

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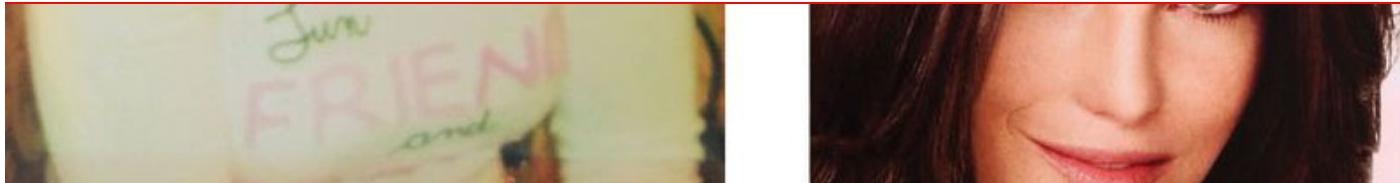
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**Inquest: A mum died after suffering an allergic reaction to hair dye, a court heard**

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A mum of two died after falling into a coma - following an allergic reaction to HAIR DYE.

A doctors' surgery failed to record Julie McCabe was allergic to using the dye, despite her 20 visits, until she collapsed after using a L'Oreal product, an [inquest](#) heard today.

The 39-year-old had complained of rashes and swellings at frequent visits to the Crosshills Medical Centre, near Keighley, West Yorks.

GPs gave her creams to tackle the side effects without noting the allergy in her medical notes.

But the mum of two continued colouring her hair until she suffered a severe reaction to L'Oreal Recital Preference on 30 October, 2011 and collapsed with breathing difficulties and suffered heart failure and brain damage.

Privacy

**Plaintiff Exhibit J (Page 2 of 5)**



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**Tragic Death: Julie McCabe died after having an allergic reaction to hair dye** (Image: SWNS)

The estate agent never recovered from a coma and died of acute cardio respiratory arrest due to severe anoxic brain damage in hospital on 30 November, 2012.

Her family blames paraphenylenediamine (PPD) - a chemical found in hair dyes - for her extreme reaction.

Her husband Russell, 47, who lives with their children Luke, 23, and Abigail, 18, at their home in Cowling, is due to give evidence later at her inquest in Skipton Magistrates' Court.

Julie was taken to Airedale General Hospital after her collapse and later transferred to Hunters Moor Neurological Rehabilitation Centre, in Birmingham, but she never regained consciousness.

The inquest heard that Julie was a frequent visitor to the Crosshills surgery because of her **allergy** to hair dye, and her asthma and hayfever.

Dr Sean Emmott, referring to her medical notes, told North Yorkshire Coroner Geoff Fell that as early as August 12, 1998 Julie was suffering from allergic reactions to hair dye.

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**Plaintiff Exhibit J (Page 3 of 5)**



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**Family Pain: Julie's mum Brenda Miller (C) along with other relatives attended her inquest in Skipton** (Image: Ben Lack)

She visited complaining of spots on her face, neck, and feeling hot.

At subsequent appointments, some 16 to 20 times, Julie had symptoms of itchy and inflamed eyes, swelling to her tongue, and an urticarial rash on her neck and scalp.

Doctors continually prescribed a betamethasone lotion to treat the symptoms but did not record she suffered from hair dye allergy.

It was only noted on the day she collapsed at home and was rushed to hospital.

Dr Emmott said: "We would not necessarily record an allergy to hair dye because we do not prescribe hair dye."

Mr Fell stated: "Julie was a frequent visitor to the surgery and continued using hair dye for some years after."

He remarked that there was nothing in her notes advising her to stop using the dye.

Dr Emmott replied: "It would be stating the obvious to tell her to stop."

Mr Fell said that advice about stopping smoking and cosmetic surgery were in her medical Privacy

**Plaintiff Exhibit J (Page 4 of 5)**



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the national guidelines on this type of reaction.

He said: "The hair colouring was the cause of the severe allergic reaction. The continued regular use over the years probably contributed to the severity of the reaction.

"Allergic reactions to hair colouring are common and well recognised. But anaphylactic reaction and death are both extremely rare."

Adjourning the inquest until tomorrow, coroner Geoff Fell said: "As far as I'm aware Julie's death is only the second one which has occurred as a result of a hair colourant - certainly in this country."

The inquest continues.

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## EXHIBIT “K”

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

PAMELA JOHNSON, \*  
\*  
Plaintiff, \*  
\* CIVIL ACTION  
VS. \* NO. 7:19-CV-00155-DC  
\*  
L'OREAL USA S/D, INC.; \*  
GARNIER LLC; and WALGREEN \*  
CO., \*  
\*  
\* Defendants. \*

ORAL AND VIDEOTAPED DEPOSITION OF  
CLOYCE STETSON, MD  
JULY 15, 2020

ORAL AND VIDEOTAPED DEPOSITION OF CLOYCE STETSON, MD, produced as a witness at the instance of the Defendants and duly sworn, was taken via Zoom videoconference in the above-styled and numbered cause on the 15th day of July, 2020, from 9:13 a.m. to 12:46 p.m., before Marsha Yarberry, Certified Shorthand Reporter in and for the State of Texas, reported remotely by machine shorthand, at 3601 4th Street, Lubbock, Texas, pursuant to the Federal Rules of Civil Procedure.

1 Q. Okay. But she did not agree with that  
2 diagnosis, apparently, from the emergency department.

3 A. Yeah, that's what we documented. I mean, it's  
4 been several years, so I do not recall specifically  
5 that statement, but --

6 Q. I understand. And this isn't a memory test.  
7 That's why we're looking at records here.

8 If we move a little bit further down in  
9 this paragraph and she says -- this is another sentence  
10 where she -- Ms. Johnson apparently indicates -- "She  
11 would like us to test the Garnier hair dye to confirm  
12 it contains PPD, which she feels caused the chemical  
13 burn." Do you often have patients come in and  
14 specifically mention -- let me start here. What is  
15 PPD?

16 A. That's paraphenylenediamine, and it is a --  
17 let's say a common product in hair dyes.

18 Q. Okay. And to your understanding, can PPD  
19 cause an allergic reaction?

20 A. Yes. It is a known sensitizer in some people.

21 Q. And can PPD cause a chemical burn?

22 A. I would say that the two -- when we talked  
23 earlier about the -- something placed on the skin and  
24 not going through the sensitization process, I would  
25 say that to my knowledge PPD is not a direct

1       injury-causing thing directly to the skin, that it must  
2       go through that sensitization process and have the  
3       allergic contact dermatitis processed. But the lay  
4       public may describe that as a, quote, chemical burn.

5           Q.     Do you often have patients come in and  
6       specifically talk about or ask about PPD?

7           A.     "Often" is a tough word. I would say it is  
8       not uncommon. Let's say sometimes of all the products  
9       that are associated with allergic reaction dermatitis,  
10      that PPD is one that patients more frequently identify  
11      as a likely causative agent.

12          Q.     Do you have any idea or did Ms. Johnson tell  
13      you where she learned about PPD?

14                   MS. AMBLER: Objection; form.

15          Q.     (By Mr. Hutton) Well, I'll just ask. Did  
16      Ms. Johnson tell you where she learned about PPD?

17                   MS. AMBLER: Objection; form.

18                   THE WITNESS: Okay. We did not inquire  
19      where she got the information about the product or the  
20      specific ingredient that was there.

21          Q.     (By Mr. Hutton) Okay. In asking you to test  
22      it, did she bring you hair dye to test?

23          A.     We did not have it at that visit, to my  
24      recollection.

25          Q.     Okay. Did you ever do the testing that she

1 case?

2 A. So the impression listed Problem 1 was  
3 allergic reaction dermatitis due to dyes and --

4 Q. I'm sorry. Go ahead.

5 A. And, as mentioned, likely secondary to PPD, or  
6 paraphenylenediamine.

7 Q. Okay. And the -- when you refer to allergic  
8 contact dermatitis, is that the reaction we were  
9 discussing that is mediated by the immune system?

10 A. That is correct.

11 Q. And that's different than a thermal burn or a  
12 chemical burn; is that right?

13 A. That's correct.

14 Q. And what was the basis for the conclusion that  
15 it was likely secondary to PPD in the hair dye?

16 A. Okay. When we talk about the onset of the  
17 reported eruption, shortly after exposure to a hair dye  
18 the most common cause of an allergic contact dermatitis  
19 due to hair dye products is paraphenylenediamine.

20 Q. I think you indicated that's a common  
21 ingredient in hair dye products. Is that right?

22 A. That is correct.

23 Q. Did you do any investigation to determine  
24 whether the Garnier hair dye Ms. Johnson used actually  
25 contained PPD?

1 product?

2 MR. HUTTON: Objection; form.

3 Q. (By Ms. Ambler) I can restate the question.

4 Is there anything there that suggests to you that you  
5 need to do this patch test every single time you use  
6 the product?

7 MR. HUTTON: Objection; form.

8 Q. (By Ms. Ambler) You can answer, Doctor.

9 A. Okay. So what I'd say is, is that I don't  
10 know that you read me the entire product insert, and so  
11 that would be what I would refer to as saying if we  
12 read through the entirety of that, if it said, you  
13 know -- you know, how confusing it would be to a  
14 person, say, well, I tested it once and -- well, like  
15 we mentioned before, allergy to a skin product can  
16 occur the second, third, fourth time that you use the  
17 product.

18 And so if you tested the first time but  
19 didn't break out and said, "Well, I didn't break out  
20 then, now I don't have to do that," I'd have to refer  
21 to what those instructions say and say does it say --  
22 does it say that every time you use this product you  
23 should do this test, you know.

24 Q. You said the person can sensitize, so maybe  
25 the third, fourth, 30th year they have used this

1 product they develop a reaction. Is that common  
2 knowledge in the medical field?

3 A. I would -- common knowledge. Common knowledge  
4 among dermatologists, yes. You know, if you  
5 specifically, you know, ask medical professionals to  
6 remember their ideology, I would say they had it  
7 covered and how much people remember 20 years after  
8 medical school, you know, but I would say it should be  
9 common knowledge in the medical field.

10 Q. Would it be common knowledge in the general  
11 public outside the medical field?

12 MR. HUTTON: Objection; form.

13 THE WITNESS: Okay. I would say it's a  
14 complicated thing that I don't think that the lay  
15 public would -- if we polled a hundred people, I bet  
16 you we'd get a mixture of answers, and I would propose  
17 that there will be more people that didn't know rather  
18 than knew.

19 Q. (By Ms. Ambler) I'd like to show you a couple  
20 of pictures and ask you if you can tell us what we're  
21 looking at here. Can you see that picture, Doctor?

22 A. I can see it.

23 Q. Okay. And what are we looking at here on the  
24 back of Ms. Johnson's neck that looks wet?

25 A. Well, again, I think that taking pictures of